ACTS

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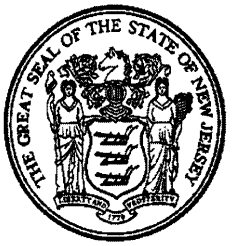
First Annual Session

OF THE

Two Hundred and Sixteenth Legislature

OF THE

STATE OF NEW JERSEY



2014

New Jersey State Library

The following laws, enacted by the First Annual Session of the Two Hundred and Sixteenth Legislature, and an index of the laws are published in accordance with R.S.1:3-1 et seq.

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[3]Resigned 10/6/14
[4]Sworn in 10/16/14
[5]Resigned effective 12/31/14

LAWS

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ACTS
ENACTED BY THE

First Annual Session
OF THE

Two Hundred and Sixteenth Legislature

CHAPTER 1

AN ACT concerning drug treatment programs and supplementing Title 26 of the Revised Statutes and amending P.L.1997, c.14.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2B-40 Licensing for certain residential drug treatment programs; rules, regulations.

1. a. A drug treatment program operating within a State correctional facility or county jail which meets or substantially meets the requirements for licensing as a residential drug treatment program shall be granted such license by the Division of Addiction Services in the Department of Human Services.

b. A drug treatment program which the Director of the Division of Addiction Services determines does not meet or substantially meet the requirements for licensing as a residential drug treatment program shall be advised by the director, within 60 days of the determination, specifically as to which requirement or requirements the program failed to meet. If such drug treatment program addresses the deficiency or deficiencies and can meet or substantially meet the requirements, the program may reapply for licensure as a residential drug treatment program.

c. The Commissioner of the Department of Human Services may promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to effectuate the purposes of this act.

2. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read as follows:

C.44:10-48 Eligibility of citizens, eligible aliens.

5. a. Only those persons who are United States citizens or eligible aliens shall be eligible for benefits under the Work First New Jersey program. Single adults or couples without dependent children who are legal aliens who meet federal requirements and have applied for citizenship, shall not receive benefits for more than six months unless (1) they attain citizenship, or (2) they have passed the English language and civics components for citizenship, and are awaiting final determination of citizenship by the federal Immigration and Naturalization Service.

b. The following persons shall not be eligible for assistance and shall not be considered to be members of an assistance unit:

(1) non-needy caretakers, except that the eligibility of a dependent child shall not be affected by the income or resources of a non-needy caretaker;

(2) Supplemental Security Income recipients, except for the purposes of receiving emergency assistance benefits pursuant to section 8 of P.L.1997, c.14 (C.44:10-51);

(3) illegal aliens;

(4) other aliens who are not eligible aliens;

(5) a person absent from the home who is incarcerated in a federal, State, county or local corrective facility or under the custody of correctional authorities, except as provided by regulation of the commissioner;

(6) a person who: is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the jurisdiction from which the person has fled, for a crime or an attempt to commit a crime which is a felony or a high misdemeanor under the laws of the jurisdiction from which the person has fled; or is violating a condition of probation or parole imposed under federal or state law;

(7) a person convicted on or after August 22, 1996 under federal or state law of any offense which is classified as a felony or crime, as appropriate, under the laws of the jurisdiction involved and which has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the federal "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would otherwise be eligible for general public assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who is convicted of any such offense which has as an element the possession or use only of such a controlled substance may be eligible for Work First New Jersey general public assistance benefits if the person enrolls in or has completed a licensed residential drug treatment program.

Eligibility for benefits for a person entering a licensed residential drug treatment program which does not operate in a State correctional facility or county jail shall commence upon the person's enrollment in the drug treatment program, and shall continue during the person's active participation in, and upon completion of, the drug treatment program, except that during the person's active participation in a drug treatment program and the first 60 days after completion of a drug treatment program, the commissioner shall provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during the 60-day period, the person's eligibility for benefits pursuant to this paragraph shall be terminated; except that this provision shall not apply to the use of methadone by a person who is actively participating in a drug treatment program, as prescribed by the drug treatment program. The commissioner, in consultation with the Commissioner of Health and Senior Services, shall adopt regulations to carry out the provisions of this paragraph, which shall include the criteria for determining active participation in and completion of a drug treatment program.

Eligibility for benefits for a person who completes a licensed residential drug treatment program which operates in a State correctional facility or county jail, in accordance with section 1 of P.L.2014, c.1 (C.26:2B-40), shall commence upon release from incarceration.

Cash benefits, less a personal needs allowance, for a person receiving general public assistance benefits under the Work First New Jersey program who is enrolled in and actively participating in a licensed residential drug treatment program shall be issued directly to the drug treatment provider to offset the cost of treatment. Upon completion of the drug treatment program, the cash benefits shall be then issued to the person. In the case of a delay in issuing cash benefits to a person receiving Work First New Jersey general public assistance benefits who has completed the drug treatment program, the drug treatment provider shall transmit to the person those funds received on behalf of that person after completion of the drug treatment program;

(8) a person found to have fraudulently misrepresented his residence in order to obtain means-tested, public benefits in two or more states or jurisdictions, who shall be ineligible for benefits for a period of 10 years from the date of conviction in a federal or state court; or

(9) a person who intentionally makes a false or misleading statement or misrepresents, conceals or withholds facts for the purpose of receiving benefits, who shall be ineligible for benefits for a period of six months for the first violation, 12 months for the second violation, and permanently for the third violation.

c. A person who makes a false statement with the intent to qualify for benefits and by reason thereof receives benefits for which the person is not eligible is guilty of a crime of the fourth degree.

d. Pursuant to the authorization provided to the states under 21 U.S.C. s.862a(d)(1), this State elects to exempt from the application of 21 U.S.C. s.862a(a):

(1) needy persons and their dependent children domiciled in New Jersey for the purposes of receiving benefits under the Work First New Jersey program and food assistance under the federal "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011 et seq.); and

(2) single persons and married couples without dependent children domiciled in New Jersey for the purposes of receiving food assistance under Pub.L.110-234.

3. This act shall take effect on the first day of the fourth month following the date of enactment, except that the Commissioner of the Department of Human Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved April 17, 2014.

CHAPTER 2

AN ACT concerning the adoption of electronic communication policies by public school districts and supplementing chapter 36 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New*

C.18A:36-40 Written policy concerning electronic communications between school employees and students.

1. a. As used in this section, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular phone, computer, computer network, personal data assistant, or pager. Electronic communications include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

b. Each school district shall, within 120 days of the effective date of this act, adopt a written policy concerning electronic communications between school employees and students enrolled in the district. The policy shall include, at a minimum, provisions designed to prevent improper communications between school employees and students made via e-mail, cellular phones, social networking websites, and other Internet-based social media.

2. This act shall take effect immediately.

Approved April 24, 2014.

CHAPTER 3

AN ACT concerning the provision of nursing services to nonpublic schools and supplementing P.L.1991, c.226 (C.18A:40-23 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:40-27.1 Provision of nursing services to preschool pupil in nonpublic schools, certain circumstances.

1. The nursing services provided pursuant to P.L.1991, c.226 (C.18A:40-23 et seq.) may also include, in the event of an emergency, the provision of nursing services to a preschool pupil enrolled in the nonpublic school.

2. This act shall take effect immediately.

Approved April 30, 2014.

CHAPTER 4

AN ACT concerning voluntary contributions through gross income tax returns for development of the Northern New Jersey Veterans Memorial Cemetery, supplementing Chapter 9 of Title 54A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54A:9-25.35 "Northern New Jersey Veterans Memorial Cemetery Development Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "Northern New Jersey Veterans Memorial Cemetery Development Fund."

b. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the special fund.

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this act into the "Northern New Jersey Veterans Memorial Cemetery Development Fund."

d. The Legislature shall annually appropriate all funds deposited in the "Northern New Jersey Veterans Memorial Cemetery Development Fund" established pursuant to this section to the Department of Military and Veterans' Affairs for the purposes of facilitating the development and operation of the Northern New Jersey Veterans Memorial Cemetery.

2. This act shall take effect immediately and apply to taxable years beginning on or after January 1 next following enactment.

Approved May 15, 2014.

CHAPTER 5

AN ACT concerning maintenance of vacant residential properties during foreclosure and amending P.L.2008, c.127.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 17 of P.L.2008, c.127 (C.46:10B-51) is amended to read as follows:

C.46:10B-51 Procedure for serving summons and complaint in action to foreclose on a mortgage.

17. a. (1) A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in this State shall, within 10 days of serving the summons and complaint, notify the municipal clerk of the municipality in which the property is located that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations, may contain information about more than one property, and shall be provided by mail or electronic communication, at the discretion of the municipal clerk. If the municipality has appointed a public officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal clerk shall forward a copy of the notice to the public officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.

In the event that the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), then the creditor shall identify that the property is subject to the "Fair Housing Act."

The notice shall also include the street address, lot and block number of the property, and the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor. The notice shall be provided to the municipal clerk within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

(2) Within 30 days following the effective date of P.L.2009, c.296 (C.2A:50-69 et al.), any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the municipal clerk of the municipality in which the property is located, a listing of all residential properties in the municipality for which the creditor has foreclosure actions pending by street address and lot and block number. If the municipality has appointed a public officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal clerk shall forward a copy of the notice to the public officer, or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.

b. If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a residential

property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable State or local code, the local public officer, municipal clerk, or other authorized municipal official shall notify the creditor, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or municipal ordinance. The municipality shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the municipality may impose penalties allowed for the violation of municipal ordinances pursuant to R.S.40:49-5.

c. If the municipality expends public funds in order to abate a nuisance or correct a violation on a residential property in situations in which the creditor was given notice pursuant to the provisions of subsection b. of this section but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property, including but not limited to the recourse provided under section 23 of P.L.2003, c.210 (C.55:19-100).

2. This act shall take effect 60 days following enactment.

Approved May 15, 2014.

CHAPTER 6

AN ACT concerning disability accommodation rights for owners and occupants of condominiums, cooperatives, and other common interest communities and supplementing P.L.1993, c.30 (C.45:22A-43 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:22A-48.3 Posting on Internet of information relative to disability accommodation rights for residents of certain communities.

1. The Division on Civil Rights in the Department of Law and Public Safety, in consultation with the Department of Community Affairs, shall post information on its Internet website explaining disability accommodation rights under the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) for owners and occupants of condominiums, cooperatives, and other common interest communities governed by a homeowners' association or similar entity. The Internet posting shall include, but not be limited to, the owners' and occupants' rights to reasonable modifications of individual units and common areas, and shall explain the obligations of governing associations and boards in evaluating and approving requests for modifications of the premises. The Internet posting shall also provide clear information on how to file a complaint alleging violations of the "Law Against Discrimination" and the potential remedies available.

The Department of Community Affairs shall post the same information on its Internet website.

2. This act shall take effect immediately.

Approved May 15, 2014.

CHAPTER 7

AN ACT concerning certain sexual assaults, designated the "Jessica Lunsford Act," and amending N.J.S.2C:14-2.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:14-2 is amended to read as follows:

Sexual assault.

2C:14-2. Sexual assault. a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The victim is less than 13 years old;

(2) The victim is at least 13 but less than 16 years old; and

(a) The actor is related to the victim by blood or affinity to the third degree, or

(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;

(7) The victim is one whom the actor knew or should have known was physically helpless or incapacitated, intellectually or mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent.

Aggravated sexual assault is a crime of the first degree.

Except as otherwise provided in subsection d. of this section, a person convicted under paragraph (1) of this subsection shall be sentenced to a specific term of years which shall be fixed by the court and shall be between 25 years and life imprisonment of which the person shall serve 25 years before being eligible for parole, unless a longer term of parole ineligibility is otherwise provided pursuant to this Title.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary

power over the victim by virtue of the actor's legal, professional or occupational status;

(3) The victim is at least 16 but less than 18 years old and:

(a) The actor is related to the victim by blood or affinity to the third degree; or

(b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

d. Notwithstanding the provisions of subsection a. of this section, where a defendant is charged with a violation under paragraph (1) of subsection a. of this section, the prosecutor, in consideration of the interests of the victim, may offer a negotiated plea agreement in which the defendant would be sentenced to a specific term of imprisonment of not less than 15 years, during which the defendant shall not be eligible for parole. In such event, the court may accept the negotiated plea agreement and upon such conviction shall impose the term of imprisonment and period of parole ineligibility as provided for in the plea agreement, and may not impose a lesser term of imprisonment or parole or a lesser period of parole ineligibility than that expressly provided in the plea agreement. The Attorney General shall develop guidelines to ensure the uniform exercise of discretion in making determinations regarding a negotiated reduction in the term of imprisonment and period of parole ineligibility set forth in subsection a. of this section.

2. This act shall take effect immediately.

Approved May 15, 2014.

CHAPTER 8

AN ACT concerning heating, ventilating, air conditioning, and refrigeration contractors, and amending and supplementing P.L.2007, c.211.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.45:16A-12.1 Exemptions from HVACR licensing requirement.

1. a. The provisions of P.L.2007, c.211 (C.45:16A-1 et seq.) shall not apply to a person who is working for an employer as an employee and performs service, repair or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning and refrigeration systems, if that work is performed in any of the following locations that are owned or operated by the employer:

(1) a general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);

(2) a building that contains a steam boiler, pressure vessel or refrigeration plant, which is subject to test and inspection pursuant to R.S.34:7-1 et seq.; and

(3) a casino-hotel facility operated under the provisions of the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), which shall include any building containing heating, ventilating, air conditioning, and refrigeration systems operated by one or more casino-hotel facilities as part of an agreement or arrangement to share systems.

b. Except as otherwise provided in subsection a. of this section, the provisions of P.L.2007, c.211 (C.45:16A-1 et seq.) shall not apply to a person who performs service, repair or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning and refrigeration systems, other than those provisions pertaining to the educational requirements for licensure pursuant to section 13 of P.L.2007, c.211 (C.45:16A-13), and any regulations adopted thereto, if:

(1) The person is a regular employee of the owner or lessee of the property, and works at the property where the work is being performed; and

(2) The person and the person's employer do not engage in HVACR contracting with the public.

2. Section 2 of P.L.2007, c.211 (C.45:16A-2) is amended to read as follows:

C.45:16A-2 Definitions relative to licensing of HVACR contractors.

2. As used in this act:

"Board" means the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors created by section 3 of this act.

"Bona fide representative" means: in the case of a sole proprietorship, the owner; in the case of a partnership, a partner; in the case of a limited liability company, a manager; or in the case of a corporation, an executive officer.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Heating, ventilating, air conditioning and refrigeration" or "HVACR" means the process of treating and protecting the environment by the responsible handling, dispensing, collecting and cleaning of chlorofluorocarbons and other refrigerants in stationary sources, and controlling the temperature, humidity and cleanliness of air by using the "wet," "dry," "radiant," "conduction," "convection," "direct," or "indirect" method or combination of methods, including those which utilize solar energy, to meet the environmental requirements of a designated area. "HVACR" also means the installation, servicing, connecting, maintenance or repair of the following:

power boiler systems, hydronic heating systems, fire tube and water tube boilers, pressure steam and hot water boilers, furnaces and space heaters, and appurtenances utilizing electric, fossil fuel, wood pellets or solar energy, other than those appurtenances utilized solely for the purpose of heating potable water;

warm air heating or refrigeration and evaporative cooling systems, ventilation and exhaust systems, dust collectors, air handling equipment, heating or cooling coils, air or refrigerant compressors, chillers, cooling towers, evaporators, condensers, plenums, fans, blowers, air cleaners, mechanical ventilation for radon mitigation, humidifiers, filters, louvers, mixing boxes and appurtenances; hydronic heating and chilled water pipe, condensate piping not discharged into a sanitary sewer, valves, fittings, burners and piping, hydronic heating, expansion tanks, pumps, gauges, humidity and thermostatic controls;

natural or manufactured gas piping on the load side of a meter; supply water piping to equipment being served from an existing dedicated source connected downstream from an approved backflow preventer, except in replacement cases, the installation of the required approved backflow device downstream from a pre-existing valve; and pneumatic controls and control piping, for the control of air, liquid, or gas temperatures, radiators, convectors, unit cabinet heaters, or fan coil units; and pneumatic controls and control piping, of automatic oil, gas or coal burning equipment, mechanical refrigeration equipment, gasoline or diesel oil dispensing equipment and in replacement cases only, the connection thereof of the wiring from an electrical service disconnect box of adequate size to accommodate the equipment and controls and previously dedicated to that equipment, and the testing and balancing of air and hydronic systems, but does not include the design or preparation of specifications for equipment or systems to be

installed that are within the practice of professional engineering as defined in subsection (b) of section 2 of P.L.1938, c.342 (C.45:8-28).

"Heating, ventilating, air conditioning and refrigeration contracting" means undertaking or advertising to undertake, for a fixed price, fee, commission, or gain of whatever nature, the planning, laying out, installation, construction, maintenance, service, repair, alteration or modification to any portion of any system, product or equipment or appurtenances used for the environmental needs or control of any heating, ventilating, air conditioning and refrigeration system.

"Master heating, ventilating, air conditioning and refrigeration contractor" means any person, firm, partnership, corporation or other legal entity licensed according to the provisions of this act which obtains a pressure seal pursuant to sections 24 and 25 of this act and which advertises, undertakes or offers to undertake for another the planning, laying out, supervising, installing, servicing or repairing of HVACR systems, apparatus or equipment. In order to act as a "Master HVACR contractor," an individual shall be a bona fide representative of the legal entity licensed pursuant to the provisions of this act.

"HVACR journeyperson" means any person who installs, alters, repairs, services or renovates HVACR systems in accordance with standards, rules and regulations established by the board and who works under the supervision of a Master HVACR contractor.

"Retrofit" means a change in design, construction or equipment already in operation in order to incorporate later improvements.

"Replacement" means a change of equipment with the same type or similar equipment.

"Undertake or offer to undertake for another" means a contractor who is listed in a public bid as the proposed subcontractor by the contractor placing the bid for an HVACR contract.

3. This act shall take effect immediately.

Approved May 15, 2014.

CHAPTER 9

AN ACT concerning adoptees, amending P.L.1977, c.367 and R.S.26:8-40.1, and supplementing Titles 9 and 26 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 15 of P.L.1977, c.367 (C.9:3-51) is amended to read as follows:

C.9:3-51 Judgments of adoption; records.

15. The clerk of the Superior Court, Chancery Division, Family Part shall promptly file all judgments of adoption and shall maintain an alphabetical index of all judgments of adoption entered each year pursuant to P.L.1977, c.367 (C.9:3-37 et seq.), all of which records shall be sealed and thereafter shall be made accessible only by court order or as otherwise provided by law.

2. Section 16 of P.L.1977, c.367 (C.9:3-52) is amended to read as follows:

C.9:3-52 Court records of proceedings.

16. a. All court records of proceedings relating to adoption, including the complaint, judgment, and all petitions, affidavits, testimony, reports, briefs, orders, and other relevant documents, shall be filed under seal by the clerk of the court and shall at no time be open to inspection or copying unless the court, upon good cause shown, shall otherwise order or as otherwise provided by law. An index to all adoption proceedings shall be maintained by the clerk of the court, but no index of adoption proceedings shall be open to inspection or copying or be made public except upon order of the court.

b. Upon entry of a judgment of adoption, the clerk of the court shall certify to the State Registrar, any successor agency or any similar agency in the State or country of the child's birth, the date of entry of the judgment, the names of the adopting parent or parents, the name of the child, the date and place of birth of the child, and the new name of the child if changed by the judgment of adoption.

3. R.S.26:8-40.1 is amended to read as follows:

Adopted children, birth certificates; procedure.

26:8-40.1. a. When any person is adopted pursuant to provisions of the laws of any state or country, and the adoption has been certified to the State Registrar as required by subsection b. of section 16 of P.L.1977, c.367

(C.9:3-52) or there is submitted a certification or a certified copy of the decree or judgment of the court in the adoption proceedings, the State Registrar shall establish, in lieu of the original birth record, a certificate of birth showing: (1) the name of the adopted person as changed by the decree of adoption, if changed; (2) the date and place of birth ; (3) the names of the adopting parents or parent, including the maiden name of the female adopting parent if that name is given in the certification or certified copy of the decree or judgment of the court; and (4) the date of filing. In any instance where the child has been adopted by the spouse of the natural parent, the name of the parent shall also be entered on the new certificate of birth. The certificate of birth shall be of the same general type as is used in making a birth certificate for a person who has not been adopted.

Upon receipt of a certification or certified copy of the decree or judgment of a court in an adoption proceeding, the State Registrar shall make a new certificate of birth containing the information referred to in the preceding paragraph. The fee for this service shall be established by the Commissioner of Health, by regulation.

b. The State Registrar may file the new certificate:

(1) for any foundling, for any child born in any state, and for any child for whom an original birth report cannot be located, who has been adopted in New Jersey; provided that there is attached to the decree or judgment of the court in such adoption proceeding or is submitted to the State Registrar a certified copy of the original birth record or acceptable evidence of birth. In the case of a foundling, the date and place of birth shall be decided by a court of competent jurisdiction; and

(2) for any child born in a foreign country who was not a citizen of the United States at the time of the child's birth, whose adopting parent is a resident of this State, and who is adopted: (a) through a court of competent jurisdiction in this State; or (b) under the laws of a jurisdiction or country other than the United States and has been granted an IR-3 immigrant visa, or a successor immigrant visa, by the United States Citizenship and Immigration Services. The new certificate shall be filed upon receipt of: a request for the certificate from the court, the adopting parent, or the adopted person if that person is 18 years of age or older; proof that the adopting parent is a resident of this State; an official copy of the judgment from the jurisdiction or country in which the child was adopted; a certified translation of the foreign adoption; proof of the date and place of the child's birth; and proof of IR-3 immigrant visa status, or a successor immigrant visa status.

When applicable, the State Registrar may file a new certificate for any child who is not a citizen of the United States and who is adopted by a resi-

dent of this State, which certificate shall bear the notation "certificate of foreign birth," which shall also be shown upon any copy of the certificate issued; the notation may be removed at any subsequent date upon submission of acceptable proof that the child has become a citizen of the United States.

When a new certificate of birth is made, the State Registrar shall notify the local registrar of vital statistics of the place in which the birth occurred, if applicable, who shall enter the new certificate in the local registrar's local record and forward the copy of the original record to the State Registrar for disposition.

c. The State Registrar shall cause to be placed under seal the original certificate of birth and all papers pertaining to the new certificate of birth. Such seal shall not be broken except:

(1) by order of a court of competent jurisdiction; or

(2) upon a request for an uncertified, long-form copy of the adopted person's original certificate of birth by a person 18 years of age or older who can establish himself as one of the following:

(a) the adopted person;

(b) a direct descendant, sibling, or spouse of the adopted person;

(c) an adoptive parent, legal guardian, or other legal representative of the adopted person; or

(d) an agency of the State or federal government for official purposes.

The State Registrar shall authenticate the identity of the requester and the requester's relationship with the subject adopted person.

d. Thereafter, whenever a certification or certified copy of a certificate of birth of the adopted person is issued, it shall be made from the new certificate of birth except when an order of a court of competent jurisdiction shall require the issuance of an uncertified, long-form copy of the original certificate of birth, or upon a request for an uncertified, long-form copy of the adopted person's original certificate of birth by an authorized requester, as provided in subsection c. of this section, excluding any statistical data gathered solely for the use of the State.

C.26:8-40.33 Provision of uncertified long-form copy of adopted person's original certificate of birth.

4. a. Upon receipt of a request pursuant to subsection c. of R.S.26:8-40.1, the State Registrar shall provide the authorized requester with an uncertified, long-form copy of the adopted person's original certificate of birth in accordance with the provisions of P.L.2014, c.9 (C.26:8-40.33 et al.).

b. The fee for the uncertified, original long-form certificate of birth preceding an adoption shall be established, by regulation, by the Commissioner of Health.

C.26:8-40.34 Submission of document of contact preference by birth parent.

5. a. A birth parent of an adopted person may submit a document of contact preference to the State Registrar indicating the birth parent's preference regarding contact with the adopted person. The birth parent may change his preference at any time by submitting a revised document of contact preference to the State Registrar.

b. The State Registrar shall require a birth parent who submits a document of contact preference pursuant to this section to simultaneously submit a completed form providing updated family history information, which shall include medical, cultural, and social history information regarding the birth parent.

c. The form of the contact preference document and the form of the family history information document shall be established by the State Registrar, who shall provide a copy of each document to a birth parent, upon request. The State Registrar shall also make the documents available for downloading from the Department of Health website.

d. The document of contact preference shall provide the birth parent with the following options, from which the parent may select one:

(1) "I would like to be contacted directly. I have completed a document of contact preference and an updated family history information document and am submitting them to the State Registrar as set forth in this document";

(2) "I would prefer to be contacted only through an intermediary. I have completed a document of contact preference and an updated family history information document and am submitting them to the State Registrar as set forth in this document. I would like the following named individual to act as an intermediary _____"; or

(3) "I would prefer not to be contacted at this time. If I decide later that I would like to be contacted, I will submit a revised document of contact preference to the State Registrar. I have completed a document of contact preference and an updated family history information document and am submitting them to the State Registrar as set forth in this document."

e. The State Registrar shall request a birth parent who indicates a preference for no contact by the adopted person to update the family history information every 10 years until the birth parent reaches the age of 40, and every five years thereafter.

f. The State Registrar shall maintain a file of documents of contact preference and family history information submitted by birth parents. Upon request for an original certificate of birth pursuant to subsection c. of R.S.26:8-40.1, the State Registrar shall determine whether there is on file a document of contact preference and a family history information document regarding the adopted person, and if those documents exist, shall place and retain them in the adopted person's original certificate of birth file.

g. Upon a request for an uncertified, long-form copy of an adopted person's original certificate of birth pursuant to subsection c. of R.S.26:8-40.1, the State Registrar shall also provide the authorized requester with a copy of the birth parent's document of contact preference and the updated family history information document if those documents have been submitted to the State Registrar pursuant to this section.

h. The State Registrar shall provide to an authorized requester, upon request, any information subsequently added to an adopted person's certificate of birth file. The State Registrar may establish a system to inform authorized requesters in the event that new information is added to an adopted person's certificate of birth file.

i. Notwithstanding the provisions of this section, in the case of a person adopted prior to August 1, 2015, a birth parent may submit a request for redaction of name and other identifying information of the birth parent to the State Registrar on or before December 31, 2016 that provides that the name and other identifying information of the birth parent shall be redacted in response to a request pursuant to R.S.26:8-40.1, section 4 of P.L.2014, c.9 (C.26:8-40.33), or this section. At any time following the request for redaction, the birth parent may rescind the redaction request and the State Registrar shall provide the identifying information concerning the birth parent. The State Registrar shall retain a copy of the revised request for redaction and share the information based on the revised request for redaction document in accordance with the provisions of this section.

C.9:3-40.11 Regulations unaffected.

6. a. Nothing in this act shall affect regulations adopted by the Department of Children and Families with respect to adoptions facilitated by the Department of Children and Families.

b. Nothing in this act shall alter the requirement for an approved adoption agency to provide a prospective parent with non-identifying information relevant to the child's development, including the child's developmental and medical history, and the birth parents' complete medical histories, as provided in section 1 of P.L.1979, c.292 (C.9:3-41.1).

C.9:3-39.2 Provision of certain information.

7. In the event that the adopted person was under the care and custody of the Division of Child Protection and Permanency in the Department of Children and Families at the time of the person's adoption, the director of the Division of Child Protection and Permanency shall provide, upon request by an authorized requester, a statement providing summaries of the medical and social characteristics of birth family members, family health histories, the facts and circumstances related to adoptive placement, and summaries of case record material. The director shall not release case records in response to such a request.

C.9:3-39.3 Request for certain information.

8. a. An authorized requester may request the adoption facilitator that placed the child for adoption or conducted an investigation pursuant to section 12 of P.L.1977, c.367 (C.9:3-48) to provide any available non-identifying family medical history information concerning the adopted person contained in that person's confidential case records maintained by the adoption facilitator.

b. Upon receipt of a request pursuant to subsection a. of this section, the adoption facilitator shall provide the requester with a detailed summary of any available non-identifying family medical history information concerning the adopted person contained in that person's confidential case records.

c. If the requester is unable to obtain any available non-identifying family medical history information pursuant to subsection b. of this section because the adoption facilitator is unknown, in order to accommodate the request, the requester may petition the court that granted the adoption to identify the adoption facilitator, if possible.

C.26:8-40.35 Certain cases exempt.

9. a. Notwithstanding the requirements of P.L.2014, c.9 (C.26:8-40.33 et al.) to the contrary, in the case of a child who was surrendered pursuant to the "New Jersey Safe Haven Infant Protection Act," P.L.2000, c.58 (C.30:4C-15.5 et seq.) and upon receipt of notification from the Division of Child Protection and Permanency in the Department of Children and Families in accordance with the provisions of subsection b. of this section, the State Registrar shall not provide any of the birth parent's identifying information recorded on the child's certificate of birth upon receipt of a request from an authorized requester for an uncertified, long-form copy of an adopted person's original certificate of birth in accordance with the provisions of subsection c. of R.S.26:8-40.1 and section 4 of P.L.2014, c.9 (C.26:8-40.33).

b. The Division of Child Protection and Permanency in the Department of Children and Families shall notify the State Registrar when a child is surrendered pursuant to P.L.2000, c.58 (C.30:4C-15.5 et seq.) to enable the State Registrar to identify the certificate of birth of the child who was so surrendered and deem that the uncertified, long-form copy of the original certificate of birth shall not be provided to the authorized requester.

c. Nothing in this act shall be construed to require the Division of Child Protection and Permanency in the Department of Children and Families to provide any identifying information about the birth parents of a child who was surrendered pursuant to the provisions of P.L.2000, c.58 (C.30:4C-15.5 et seq.).

C.26:8-40.36 Rules, regulations.

10. The Commissioner of Health and the Commissioner of Children and Families, as appropriate, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to carry out the provisions of this act.

C.26:8-40.37 Additional regulations.

11. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Health and the Commissioner of Children and Families may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the commissioners deem necessary to implement the provisions of P.L.2014, c.9 (C.26:8-40.33 et al.), which regulations shall be effective for a period not to exceed 12 months and shall, thereafter, be amended, adopted, or readopted by the commissioners in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

12. This act shall take effect immediately; except that section 5 shall take effect on August 1, 2015; and sections 3 and 4 shall take effect on January 1, 2017. The Commissioner of Health may take such administrative action in advance thereof as shall be necessary for the implementation of this act, including allowing a birth parent to submit a document of contact preference prior to August 1, 2015.

Approved May 27, 2014.

CHAPTER 10

AN ACT concerning athletic activities of students with disabilities and supplementing chapter 11 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:11-3.5 Findings, declarations relative to athletic activities of students with disabilities.

1. The Legislature finds and declares that:

a. The United States Government Accountability Office issued a report in June 2010 that underscored that access to, and participation in, extracurricular athletic opportunities provide important health and social benefits to all students, particularly those with disabilities, including socialization, improved teamwork and leadership skills, and fitness. Unfortunately, the report found that students with disabilities are not being afforded an equal opportunity to participate in extracurricular athletics in public elementary and secondary schools.

b. The United States Department of Education, Office for Civil Rights, issued guidance on January 25, 2013, which clarifies existing legal obligations of school districts to provide equal access to extracurricular athletic activities to students with disabilities and urges school districts to work with community organizations to increase athletic opportunities for students with disabilities in club, intramural, and interscholastic athletic programs.

c. Students with intellectual, developmental, physical, and other forms of disabilities should consistently have opportunities to participate in athletics equal to those of other students, which is in keeping with school district responsibilities under section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C.s.794, regarding the provision of extracurricular activities.

C.18A:11-3.6 Definitions relative to athletic activities of students with disabilities.

2. As used in this act:

"Adapted program" means a program that is developed for a student with a disability.

"Athletic program" means a club, intramural, or interscholastic athletic activity that is developed and offered to students by the school district.

"Physical education program" means the physical education program of the school district.

"Student with a disability" means a student who meets the definition of a "handicapped person" as defined in 45 C.F.R.s.84.3 (j).

"Unified sports program" means an athletic program that combines individuals with disabilities and individuals without disabilities.

C.18A:11-3.7 Obligations of school district, exceptions.

3. a. Each school district shall, subject to the provisions of subsection b. of this section:

(1) ensure that a student with a disability has an equal opportunity to: participate in physical education programs; participate in existing classroom activities that involve physical activity; and try out for and, if selected, participate in athletic programs in an integrated manner to the maximum extent appropriate to the needs of the student; and

(2) ensure the provision of reasonable modifications or aids or services necessary to provide a student with a disability an equal opportunity to participate in physical education programs, existing classroom activities that involve physical activity, and athletic programs as set forth in paragraph (1) of this subsection in an integrated manner to the maximum extent appropriate to the needs of the student.

b. An exception to the requirements under subsection a. of this section may be made when the inclusion of a student with a disability:

(1) presents an objective health or safety risk to the student or to others, based on an individualized assessment of the student; or

(2) fundamentally alters the nature of the physical education program or athletic program in accordance with the "Americans with Disabilities Act of 1990," 42 U.S.C. s.12101 et seq. and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. s.794.

C.18A:11-3.8 Reasonable efforts when exception applies.

4. In the event that an exception applies under subsection b. of section 3 of this act, a school district, in consultation with students, parents, community members, and advocacy groups, shall make reasonable efforts to provide a student with a disability the opportunity to participate in existing adapted or unified sports programs facilitated by community organizations, such as the Special Olympics New Jersey. A school district may develop such programs on a school, district, regional, or county basis. The provision of an adapted program or a unified sports program for a student with a disability shall not mitigate the responsibility of the school district to provide a student with a disability an equal opportunity to participate in programs and activities in accordance with section 3 of this act.

C.18A:11-3.9 Interscholastic athletic programs for certain student-athletes with disabilities.

5. The New Jersey State Interscholastic Athletic Association, in consultation with Special Olympics New Jersey and any other adapted sports

organizations, may establish interscholastic athletic programs for student-athletes with intellectual or developmental disabilities who are participating in a unified sports program of athletics developed by a school district. The New Jersey State Interscholastic Athletic Association may require any coach of a unified sports program of athletics to receive training specific to that program.

6. This act shall take effect in the 2015-2016 school year.

Approved June 19, 2014.

CHAPTER 11

AN ACT concerning police and fire interest arbitration and amending P.L.1977, c.85 and P.L.2010, c.105.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1977, c.85 (C.34:13A-16) is amended to read as follows:

C.34:13A-16 Negotiations between public fire, police department and exclusive representative; unfair practice charge; negotiation; factfinding; arbitration.

3. a. (1) Negotiations between a public fire or police department and an exclusive representative concerning the terms and conditions of employment shall begin at least 120 days prior to the day on which their collective negotiation agreement is to expire. The parties shall meet at least three times during that 120-day period. The first of those three meetings shall take place no later than the 90th day prior to the day on which their collective negotiation agreement is to expire. By mutual consent, the parties may agree to extend the period during which the second and third meetings are required to take place beyond the day on which their collective negotiation agreement is to expire. A violation of this paragraph shall constitute an unfair practice and the violator shall be subject to the penalties prescribed by the commission pursuant to rule and regulation.

Prior to the expiration of their collective negotiation agreement, either party may file an unfair practice charge with the commission alleging that the other party is refusing to negotiate in good faith. The charge shall be

filed in the manner, form and time specified by the commission in rule and regulation. If the charge is sustained, the commission shall order that the respondent be assessed for all legal and administrative costs associated with the filing and resolution of the charge; if the charge is dismissed, the commission shall order that the charging party be assessed for all legal and administrative costs associated with the filing and resolution of the charge. The filing and resolution of the unfair practice charge shall not delay or impair the impasse resolution process.

(2) Whenever those negotiations concerning the terms and conditions of employment shall reach an impasse, the commission, through the Division of Public Employment Relations shall, upon the request of either party, or upon its own motion take such steps, including the assignment of a mediator, as it may deem expedient to effect a voluntary resolution of the impasse.

b. (1) In the event of a failure to resolve the impasse by mediation, the Division of Public Employment Relations, at the request of either party, shall invoke factfinding with recommendation for settlement of all issues in dispute unless the parties reach a voluntary settlement prior to the issuance of the factfinder's report and recommended terms of settlement. Factfindings shall be limited to those issues that are within the required scope of negotiations unless the parties to the factfinding agree to factfinding on permissive subjects of negotiation.

(2) Notwithstanding the provisions of paragraph (2) of subsection a. of this section or paragraph (1) of this subsection, either party may petition the commission for arbitration on or after the date on which their collective negotiation agreement expires. The petition shall be filed in a manner and form prescribed by the commission. The party filing the petition shall notify the other party of its action. The notice shall be given in a manner and form prescribed by the commission.

Any mediation or factfinding invoked pursuant to paragraph (2) of subsection a. of this section or paragraph (1) of subsection b. of this section shall terminate immediately upon the filing of a petition for arbitration.

(3) Upon the filing of a petition for arbitration pursuant to paragraph (2) of this subsection, an arbitrator selected pursuant to paragraph (1) of subsection e. of this section shall conduct an initial meeting as a mediation session to effect a voluntary resolution of the impasse.

c. (Deleted by amendment, P.L.2010, c.105)

d. The resolution of issues in dispute shall be binding arbitration under which the award on the unsettled issues is determined by conventional arbitration. The arbitrator shall determine whether the total net annual economic changes for each year of the agreement are reasonable under the nine

statutory criteria set forth in subsection g. of this section and shall adhere to the limitations set forth in section 2 of P.L.2010, c.105 (C.34:13A-16.7). The non-petitioning party, within five days of receipt of the petition, shall separately notify the commission in writing of all issues in dispute. The filing of the written response shall not delay, in any manner, the interest arbitration process.

e. (1) The commission shall take measures to assure the impartial selection of an arbitrator or arbitrators from its special panel of arbitrators. On the first business day following receipt of an interest arbitration petition, the commission shall, independent of and without any participation by either of the parties, randomly select an arbitrator from its special panel of arbitrators. The selection by the commission shall be final and shall not be subject to review or appeal.

(2) Applicants for initial appointment to the commission's special panel of arbitrators shall be chosen based on their professional qualifications, knowledge, and experience, in accordance with the criteria and rules adopted by the commission. Such rules shall include relevant knowledge of local government operations and budgeting. Appointment to the commission's special panel of arbitrators shall be for a three-year term, with reappointment contingent upon a screening process similar to that used for determining initial appointments. Arbitrators currently serving on the panel shall demonstrate to the commission their professional qualification, knowledge and experience, in accordance with the criteria and rules adopted by the commission, within one year of the effective date of this act. Any arbitrator who does not satisfactorily demonstrate such to the commission within the specified time shall be disqualified.

(3) Arbitrators serving on the commission's special panel shall be guided by and subject to the objectives and principles set forth in the "Code of Professional Responsibility for Arbitrators of Labor-Management Disputers" of the National Academy of Arbitrators, the American Arbitration Association, and the Federal Mediation and Conciliation Service.

(4) Arbitrators shall be required to complete annual training offered by the State Ethics Commission. Any arbitrator failing to satisfactorily complete the annual training shall be immediately removed from the special panel.

The commission may suspend, remove, or otherwise discipline an arbitrator for a violation of P.L.1977, c.85 (C.34:13A-14 et seq.), section 4 of P.L.1995, c.425 (C.34:13A-16.1) or for good cause. An arbitrator who fails to render an award within the time requirements set forth in this section shall be fined $1,000 for each day that the award is late.

f. (1) At a time prescribed by the commission, the parties shall submit to the arbitrator their final offers on each economic and non-economic issue in dispute. The offers submitted pursuant to this section shall be used by the arbitrator for the purposes of determining an award pursuant to subsection d. of this section.

(2) In the event of a dispute, the commission shall have the power to decide which issues are economic issues. Economic issues include those items which have a direct relation to employee income including wages, salaries, hours in relation to earnings, and other forms of compensation such as paid vacation, paid holidays, health and medical insurance, and other economic benefits to employees.

(3) Throughout formal arbitration proceedings the chosen arbitrator may mediate or assist the parties in reaching a mutually agreeable settlement.

All parties to arbitration shall present, at the formal hearing before the issuance of the award, written estimates of the financial impact of their last offer on the taxpayers of the local unit to the arbitrator with the submission of their last offer.

(4) Arbitration shall be limited to those subjects that are within the required scope of collective negotiations, except that the parties may agree to submit to arbitration one or more permissive subjects of negotiation.

(5) The decision of an arbitrator or panel of arbitrators shall include an opinion and an award, and shall be rendered within 90 calendar days of the commission's assignment of that arbitrator.

Each arbitrator's decision shall be accompanied by a written report explaining how each of the statutory criteria played into the arbitrator's determination of the final award. The report shall certify that the arbitrator took the statutory limitations imposed on the local levy cap into account in making the award.

Any arbitrator violating the provisions of this paragraph may be subject to the commission's powers under paragraph (3) of subsection e. of this section. The decision shall be final and binding upon the parties and shall be irreversible, except:

(a) Within 14 calendar days of receiving an award, an aggrieved party may file notice of an appeal of an award to the commission on the grounds that the arbitrator failed to apply the criteria specified in subsection g. of this section or violated the standards set forth in N.J.S.2A:24-8 or N.J.S.2A:24-9. The appeal shall be filed in a form and manner prescribed by the commission. In deciding an appeal, the commission, pursuant to rule and regulation and upon petition, may afford the parties the opportunity to present oral arguments. The commission may affirm, modify, cor-

rect or vacate the award or may, at its discretion, remand the award to the same arbitrator or to another arbitrator, selected by lot, for reconsideration. The commission's decision shall be rendered no later than 60 calendar days after the filing of the appeal with the commission.

Arbitration appeal decisions shall be accompanied by a written report explaining how each of the statutory criteria played into their determination of the final award. The report shall certify that in deciding the appeal, the commission took the local levy cap into account in making the award.

An aggrieved party may appeal a decision of the commission to the Appellate Division of the Superior Court.

(b) An arbitrator's award shall be implemented immediately.

(6) The parties shall share equally the costs of arbitration subject to a fee schedule approved by the commission. The fee schedule shall provide that the cost of services provided by the arbitrator shall not exceed $1,000 per day. The total cost of services of an arbitrator shall not exceed $10,000. If the parties cancel an arbitration proceeding without good cause, the arbitrator may impose a fee of not more than $500. The parties shall share equally in paying that fee if the request to cancel or adjourn is a joint request. Otherwise, the party causing such cancellation shall be responsible for payment of the entire fee.

g. The arbitrator shall decide the dispute based on a reasonable determination of the issues, giving due weight to those factors listed below that are judged relevant for the resolution of the specific dispute. In the award, the arbitrator or panel of arbitrators shall indicate which of the factors are deemed relevant, satisfactorily explain why the others are not relevant, and provide an analysis of the evidence on each relevant factor; provided, however, that in every interest arbitration proceeding, the parties shall introduce evidence regarding the factor set forth in paragraph (6) of this subsection and the arbitrator shall analyze and consider the factor set forth in paragraph (6) of this subsection in any award:

(1) The interests and welfare of the public. Among the items the arbitrator or panel of arbitrators shall assess when considering this factor are the limitations imposed upon the employer by P.L.1976, c.68 (C.40A:4-45.1 et seq.).

(2) Comparison of the wages, salaries, hours, and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours, and conditions of employment of other employees performing the same or similar services and with other employees generally:

(a) In private employment in general; provided, however, each party shall have the right to submit additional evidence for the arbitrator's consideration.

(b) In public employment in general; provided, however, each party shall have the right to submit additional evidence for the arbitrator's consideration.

(c) In public employment in the same or similar comparable jurisdictions, as determined in accordance with section 5 of P.L.1995, c.425 (C.34:13A-16.2); provided, however, that each party shall have the right to submit additional evidence concerning the comparability of jurisdictions for the arbitrator's consideration.

(3) The overall compensation presently received by the employees, inclusive of direct wages, salary, vacations, holidays, excused leaves, insurance and pensions, medical and hospitalization benefits, and all other economic benefits received.

(4) Stipulations of the parties.

(5) The lawful authority of the employer. Among the items the arbitrator or panel of arbitrators shall assess when considering this factor are the limitations imposed upon the employer by P.L.1976, c.68 (C.40A:4-45.1 et seq.).

(6) The financial impact on the governing unit, its residents, the limitations imposed upon the local unit's property tax levy pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45), and taxpayers. When considering this factor in a dispute in which the public employer is a county or a municipality, the arbitrator or panel of arbitrators shall take into account, to the extent that evidence is introduced, how the award will affect the municipal or county purposes element, as the case may be, of the local property tax; a comparison of the percentage of the municipal purposes element or, in the case of a county, the county purposes element, required to fund the employees' contract in the preceding local budget year with that required under the award for the current local budget year; the impact of the award for each income sector of the property taxpayers of the local unit; the impact of the award on the ability of the governing body to (a) maintain existing local programs and services, (b) expand existing local programs and services for which public moneys have been designated by the governing body in a proposed local budget, or (c) initiate any new programs and services for which public moneys have been designated by the governing body in a proposed local budget.

(7) The cost of living.

(8) The continuity and stability of employment including seniority rights and such other factors not confined to the foregoing which are ordinarily or traditionally considered in the determination of wages, hours, and conditions of employment through collective negotiations and collective bargaining between the parties in the public service and in private employment.

(9) Statutory restrictions imposed on the employer. Among the items the arbitrator or panel of arbitrators shall assess when considering this factor are the limitations imposed upon the employer by section 10 of P.L.2007, c.62 (C.40A:4-45.45).

h. A mediator, factfinder, or arbitrator while functioning in a mediatory capacity shall not be required to disclose any files, records, reports, documents, or other papers classified as confidential received or prepared by him or to testify with regard to mediation, conducted by him under this act on behalf of any party to any cause pending in any type of proceeding under this act. Nothing contained herein shall exempt such an individual from disclosing information relating to the commission of a crime.

2. Section 2 of P.L.2010, c.105 (C.34:13A-16.7) is amended to read as follows:

C.34:13A-16.7 Definitions relative to police and fire arbitration; limitation on awards.

2. a. As used in this section:

"Base salary" means the salary provided pursuant to a salary guide or table and any amount provided pursuant to a salary increment, including any amount provided for longevity or length of service. It also shall include any other item agreed to by the parties, or any other item that was included in the base salary as understood by the parties in the prior contract. Base salary shall not include non-salary economic issues, pension and health and medical insurance costs.

"Non-salary economic issues" means any economic issue that is not included in the definition of base salary.

b. An arbitrator shall not render any award pursuant to section 3 of P.L.1977, c.85 (C.34:13A-16) which, in the first year of the collective negotiation agreement awarded by the arbitrator, increases base salary items by more than 2.0 percent of the aggregate amount expended by the public employer on base salary items for the members of the affected employee organization in the twelve months immediately preceding the expiration of the collective negotiation agreement subject to arbitration. In each subsequent year of the agreement awarded by the arbitrator, base salary items

shall not be increased by more than 2.0 percent of the aggregate amount expended by the public employer on base salary items for the members of the affected employee organization in the immediately preceding year of the agreement awarded by the arbitrator.

The parties may agree, or the arbitrator may decide, to distribute the aggregate monetary value of the award over the term of the collective negotiation agreement in unequal annual percentage increases, which shall not be greater than the compounded value of a 2.0 percent increase per year over the corresponding length of the collective negotiation agreement. An award of an arbitrator shall not include base salary items and non-salary economic issues which were not included in the prior collective negotiations agreement.

3. Section 3 of P.L.2010, c.105 (C.34:13A-16.8) is amended to read as follows:

C.34:13A-16.8 Police and Fire Public Interest Arbitration Impact Task Force.

3. a. There is established a task force, to be known as the Police and Fire Public Interest Arbitration Impact Task Force.

b. The task force shall be comprised of eight members as follows:

(1) four to be appointed by the Governor;

(2) two to be appointed by the Senate President; and

(3) two to be appointed by the Speaker of the General Assembly.

c. All appointments shall be made within 30 days of the effective date of P.L.2010, c.105 (C.34:13A-16.7 et al.). Vacancies in the membership shall be filled in the same manner as the original appointments. The members of the task force shall serve without compensation but may be reimbursed, within the limits of funds made available to the task force, for necessary travel expenses incurred in the performance of their duties.

d. (1) The task force shall organize as soon as is practicable upon the appointment of a majority of its members and shall select a chairperson from among the appointees of the Governor and a vice chairperson from among the appointees of the Legislature. The Chair of the Public Employment Relations Commission shall serve as non-voting executive director of the task force.

(2) The task force shall meet within 60 days of the effective date of P.L.2010, c.105 (C.34:13A-16.7 et al.) and shall meet thereafter at the call of its chair. In furtherance of its evaluation, the task force may hold public meetings or hearings within the State on any matter or matters related to the provisions of this act, and call to its assistance and avail itself of the ser-

vices of the Public Employment Relations Commission and the employees of any State department, board, task force or agency which the task force determines possesses relevant data, analytical and professional expertise or other resources which may assist the task force in discharging its duties under this act. Each department, board, commission or agency of this State is hereby directed, to the extent not inconsistent with law, to cooperate fully with the task force and to furnish such information and assistance as is necessary to accomplish the purposes of this act. In addition, in order to facilitate the work of the task force, the Public Employment Relations Commission shall post on its website all collective negotiations agreements and interest arbitration awards entered or awarded after the date of enactment, including a summary of contract or arbitration award terms in a standard format developed by the Public Employment Relations Commission to facilitate comparisons. All collective negotiations agreements shall be submitted to the Public Employment Relations Commission within 15 days of contract execution.

e. (1) It shall be the duty of the task force to study the effect and impact of the arbitration award cap upon local property taxes; collective bargaining agreements; arbitration awards; municipal services; municipal expenditures; municipal public safety services, particularly changes in crime rates and response times to emergency situations; police and fire recruitment, hiring and retention; the professional profile of police and fire departments, particularly with regard to age, experience, and staffing levels; and such other matters as the members deem appropriate and necessary to evaluate the effects and impact of the arbitration award cap.

(2) Specifically, the task force shall study total compensation rates, including factors subject to the arbitration award cap and factors exempt from the arbitration award cap, of police and fire personnel throughout the State and make recommendations thereon. The task force also shall study the interest arbitration process and make recommendations concerning its continued use in connection with police and fire labor contracts disputes. The task force shall make findings as to the relative growth in total compensation cost attributable to factors subject to the arbitration award cap and to factors exempt from the arbitration award cap, for both collective bargaining agreements and arbitration awards.

f. The task force shall annually report its findings, along with any recommendations it may have, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. The task force's final report due on or before December 31, 2017 shall include, in addition to any other findings and recommendations, a specific recommendation for any

amendments to the arbitration award cap. Upon the filing of its final report on or before December 31, 2017, the task force shall expire.

4. Section 4 of P.L.2010, c.105 (C.34:13A-16.9) is amended to read as follows:

C.34:13A-16.9 Effective date.

4. This act shall take effect January 1, 2011; provided however, section 2 of P.L.2010, c.105 (C.34:13A-16.7) shall apply only to collective negotiations between a public employer and the exclusive representative of a public police department or public fire department that relate to negotiated agreements expiring on that effective date or any date thereafter until or on December 31, 2017, whereupon, after December 31, 2017, the provisions of section 2 of P.L.2010, c.105 (C.34:13A-16.7) shall become inoperative for all parties except those whose collective negotiations agreements expired prior to or on December 31, 2017 but for whom a final settlement has not been reached.

5. This act shall take effect immediately and shall be retroactive to April 2, 2014.

Approved June 24, 2014.

CHAPTER 12

AN ACT amending and supplementing the Fiscal Year 2014 annual appropriations act, P.L.2013, c.77.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In addition to the amounts appropriated and the language provisions in section 1 of P.L.2013, c.77, the annual appropriations act for fiscal year 2014, the following sums are appropriated from the General Fund and the following language is amended to read as follows:

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
DIRECT STATE SERVICES

08-7040 Institutional Care and Treatment $3,343,000

07-7040 Institutional Control and Supervisions $57,000
Total Direct State Services Appropriation,
Detention and Rehabilitation $3,400,000

Direct State Services:

08 Services Other Than Personal ..... ($3,343,000)

Special Purpose:

07 Civilly Committed Sexual Offender Program ..... (57,000)
Department of Corrections, Total State Appropriation $3,400,000

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
21 Community Development Management

Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Volunteer Emergency Service Organizations Loan Fund, P.L.1987, c.8 to the General Fund as State revenue an amount not to exceed $2,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services
DIRECT STATE SERVICES

Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the New Jersey Spinal Cord Research Fund, P.L.1999, c.201, to the General Fund as State revenue an amount not to exceed $9,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

54 DEPARTMENT OF HUMAN SERVICES
30 Educational, Cultural, and Intellectual Development
32 Operation and Support of Educational Institutions
7601 Community Programs
GRANTS-IN-AID

01-7601 Purchased Residential Care $29,948,000
Total Grants-In-Aid Appropriation, Community Programs $29,948,000

Grants-In-Aid:

Grants:

01 Group Homes ..... ($29,948,000)
Department of Human Services, Total State Appropriation $29,948,000
Total State Appropriation $33,348,000

94 INTERDEPARTMENTAL ACCOUNTS
70 Government Direction, Management, and Control
74 General Government Services

DIRECT STATE SERVICES

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $15,820,000 from the Clean Energy Fund for energy efficiency capital projects in State facilities.

78 DEPARTMENT OF TRANSPORTATION
60 Transportation Programs
62 Public Transportation
GRANTS-IN-AID

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for New Jersey Transit Corporation, there is appropriated $23,280,000 from the Clean Energy Fund for utility costs associated with New Jersey Transit Corporation operations.

2. The following language provision in section 85 of P.L.2013, c.77, the annual appropriations act for fiscal year 2014, is amended to read as follows:

85. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated an amount not to exceed $190,185,000 from the Clean Energy Fund, including Solar Alternative Compliance Payments attributable to fiscal 2010 and earlier, for transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

3. The following language provision is added to the General Provisions of P.L.2013, c.77, the annual appropriations act for fiscal year 2014:

Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from an account established pursuant to section 4 of P.L.2008, c.22 in the Long Term Obligation and Capital Expenditure Fund to the General Fund as State revenue an amount not in excess of $456,787, subject to the approval of the Director of the Division of Budget and Accounting.

4. The following language provision is added to the General Provisions of P.L.2013, c.77, the annual appropriations act for fiscal year 2014:

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated an amount not to exceed $6,000,000 from the Unclaimed Utility Deposits Trust Fund for transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

5. This act shall take effect immediately.

Approved June 30, 2014.

CHAPTER 13

AN ACT adjusting and clarifying certain State tax compliance standards and restricting certain State tax benefits, amending various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 5 of P.L.1993, c.173 (C.54:10A-6.1) is amended to read as follows:

C.54:10A-6.1 "Operational income" defined; related corporate expenses not deductible; conditions; forms; rules.

5. a. "Operational income" subject to allocation to New Jersey means income from tangible and intangible property if the acquisition, management, or disposition of the property constitutes an integral part of the taxpayer's regular trade or business operations and includes investment income serving an operational function. Income that a taxpayer demonstrates with clear and convincing evidence is not operational income is classified as nonoperational income, and the nonoperational income of taxpayers is not subject to allocation but shall be specifically assigned; provided, that 100% of the nonoperational income of a taxpayer that has its principal place from which the trade or business of the taxpayer is directed or managed in this State shall be specifically assigned to this State to the extent permitted under the Constitution and statutes of the United States.

b. Corporate expenses related to nonoperational income are not deductible in determining entire net income. Notwithstanding the provisions of R.S.54:49-6 or any other law to the contrary:

(1) if in prior privilege periods property had been classified as operational property, and later is demonstrated to have been nonoperational property and is subsequently disposed of, all expenses, without limitation, deducted for prior privilege periods related to such nonoperational property shall be added back and recaptured as income in the period of disposition of such property;

(2) if in prior privilege periods income had been classified as serving an operational function, and later is demonstrated not to have been serving an operational function, all expenses, without limitation, deducted in prior privilege periods related to such income not serving an operational function shall be added back and recaptured as income; and

(3) the denominators of the fractions used to determine the allocation factor pursuant to section 6 of P.L.1945, c.162 (C.54:10A-6), for privilege periods for which redeterminations are required pursuant to paragraphs (1) and (2) of this subsection shall be redetermined to exclude the amounts, if any, relating to the nonoperational property or the nonoperational income.

c. The Director of the Division of Taxation shall prescribe such forms for administration and adopt such administrative rules as the director deems necessary for the implementation of this section.

2. Section 12 of P.L.2002, c.40 (C.54:10A-15.11) is amended to read as follows:

C.54:10A-15.11 Tax payment by certain partnerships; definitions.

12. a. (1) A partnership that is not a qualified investment partnership or an investment club and that is not listed on a United States national stock exchange shall, on or before the 15th day of the fourth month succeeding the close of each privilege period, remit a payment of tax. The amount of tax shall be equal to the sum of: all of the share of the entire net income of the partnership for that privilege period of all nonresident noncorporate partners, multiplied by an allocation factor determined, pursuant to section 6 of P.L.1945, c.162 (C.54:10A-6), based on the allocation fractions of the partnership for that privilege period, and multiplied by .0637 plus all of the share of the entire net income of the partnership for that privilege period of all nonresident corporate partners, multiplied by an allocation factor determined, pursuant to section 6 of P.L.1945, c.162 (C.54:10A-6), based on the allocation fractions of the partnership for that privilege period, and multiplied by .09.

(2) (a) A partnership that is subject to the tax payment requirements of paragraph (1) of this subsection shall make installment payments of 25% of that tax on or before the 15th day of each of the fourth month, sixth month and ninth month of the privilege period and on or before the 15th day of the first month succeeding the close of the privilege period.

(b) A partnership required to make an installment payment pursuant to subparagraph (a) of this paragraph shall be deemed to make an installment payment subject to the provisions of section 5 of P.L.1981, c.184 (C.54:10A-15.4) and shall be liable for any additions to tax provided thereunder.

b. An amount of tax paid by a partnership pursuant to paragraph (1) of subsection a. of this section and an installment payment paid pursuant to subparagraph (a) of paragraph (2) of subsection a. of this section shall be credited to the partnership accounts of its nonresident partners in proportion

to each nonresident partner's share of allocated entire net income and the multiplier rate for that partner class under subsection a. of this section, and each amount of tax so credited shall be deemed to have been paid by the respective partner in respect of the privilege period or taxable year of the partner. Provided, however, that only a nonresident partner who files a New Jersey tax return and reports income that is subject to tax in this State may apply the tax paid by the partnership and credited to the nonresident partner's partnership account against the partner's tax liability; and provided further that a partnership that pays tax pursuant to this section shall not be entitled to claim a refund of payments credited to any of its nonresident partners.

c. For the purposes of this section:

"Investment club" means an entity: that is classified as a partnership for federal income tax purposes; all of the owners of which are individuals; all of the assets of which are securities, cash, or cash equivalents; the market value of the total assets of which do not exceed, as measured on the last day of its privilege period, an amount equal to the lesser of $250,000 or $35,000 per owner of the entity; and which is not required to register itself or its membership interests with the federal Securities and Exchange Commission; provided that beginning with privilege periods commencing on or after January 1, 2003 the director shall prescribe the total asset value amounts which shall apply by increasing the $250,000 total asset amount and the per owner $35,000 amount hereinabove by an inflation adjustment factor, which amounts shall be rounded to the next highest multiple of $100. The inflation adjustment factor shall be equal to the factor calculated by dividing the consumer price index for urban wage earners and clerical workers for the nation, as prepared by the United States Department of Labor for September of the calendar year prior to the calendar year in which the privilege period begins, by that index for September of 2001;

"Nonresident noncorporate partner" means, an individual, an estate or a trust subject to taxation pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., that is not a resident taxpayer or a resident estate or trust under that act;

"Nonresident corporate partner" means a partner that is not an individual, an estate or a trust subject to taxation pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., that is not a corporation exempt from tax pursuant to section 3 of P.L.1945, c.162 (C.54:10A-3), and that does not maintain a regular place of business in this State other than a statutory office; and

"Partner" means an owner of an interest in the partnership, in whatever manner that owner and ownership interest are designated.

3. Section 4 of P.L.1945, c.162 (C.54:10A-4) is amended to read as follows:

C.54:10A-4 Definitions.

4. For the purposes of this act, unless the context requires a different meaning:

(a) "Commissioner" or "director" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth or entire net income used to determine a measure of its tax under this act.

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument, any other entity classified as a corporation for federal income tax purposes, and any state or federally chartered building and loan association or savings and loan association.

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, and (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion. Notwithstanding the foregoing, net worth shall not include any deduction for the amount of the excess depreciation described in paragraph (2)(F) of subsection (k) of this section. The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of the total number of shares of all other classes of stock except nonvoting stock which is limited and preferred as to dividends. In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from the net worth of the taxpayer, if the foreign entity is considered a corporation for any purpose under the United States federal income tax laws, such as (but not by way of sole examples) for the purpose of

supplying deemed paid foreign tax credits or for the purpose of status as a controlled foreign corporation. In calculating the net worth of a taxpayer entitled to reduction for investment in subsidiaries, the amount of liabilities of the taxpayer shall be reduced by such proportion of the liabilities as corresponds to the ratio which the excluded portion of the subsidiary values bears to the total assets of the taxpayer.

In the case of banking corporations which have international banking facilities as defined in subsection (n), the foregoing aggregate of values shall also be reduced by retained earnings of the international banking facility. Retained earnings means the earnings accumulated over the life of such facility and shall not include the distributive share of dividends paid and federal income taxes paid or payable during the tax year.

If in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) (Deleted by amendment, P.L.1998, c.114.)

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least 90% thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent rights and other securities for its own account, but this shall not include any corporation which: (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers; or (2) had less than 90% of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report; or (3) is a banking corporation, a savings institution, or a financial business corporation as defined in the Corporation Business Tax Act.

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

(h) "Taxpayer" shall mean any corporation, and any partnership required, or consenting, to report or to pay taxes, interest or penalties under this act. "Taxpayer" shall not include a partnership that is listed on a United States national stock exchange.

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for federal income tax purposes.

(j) Except as herein provided, "privilege period" shall mean the calendar or fiscal accounting period for which a tax is payable under this act.

(k) "Entire net income" shall mean total net income from all sources, whether within or without the United States, and shall include the gain derived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets.

For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report, or, if the taxpayer is classified as a partnership for federal tax purposes, would otherwise be required to report, to the United States Treasury Department for the purpose of computing its federal income tax, provided however, that in the determination of such entire net income,

(1) Entire net income shall exclude for the periods set forth in paragraph (2)(F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which is included in a taxpayer's federal taxable income solely as a result of an election made pursuant to the provisions of paragraph (8) of that section.

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations.

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in paragraph (5) of subsection (k) of this section.

(C) Taxes paid or accrued to the United States, a possession or territory of the United States, a state, a political subdivision thereof, or the District of Columbia, or to any foreign country, state, province, territory or subdivision thereof, on or measured by profits or income, or business presence or business activity, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in paragraph (5) of subsection (k) of this section.

(D) (Deleted by amendment, P.L.1985, c.143.)

(E) (Deleted by amendment, P.L.1995, c.418.)

(F) (i) The amount by which depreciation reported to the United States Treasury Department for property placed in service on and after January 1, 1981, but prior to taxpayer fiscal or calendar accounting years beginning on and after the effective date of P.L.1993, c.172, for purposes of computing federal taxable income in accordance with section 168 of the Internal Revenue Code in effect after December 31, 1980, exceeds the amount of depreciation determined in accordance with the Internal Revenue Code provisions in effect prior to January 1, 1981, but only with respect to a taxpayer's accounting period ending after December 31, 1981; provided, however, that where a taxpayer's accounting period begins in 1981 and ends in 1982, no modification shall be required with respect to this paragraph (F) for the report filed for such period with respect to property placed in service during that part of the accounting period which occurs in 1981. The provisions of this subparagraph shall not apply to assets placed in service prior to January 1, 1998 of a gas, gas and electric, and electric public utility that was subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998.

(ii) For the periods set forth in subparagraph (F)(i) of paragraph (2) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which the taxpayer claimed as a deduction in computing federal income tax pursuant to a qualified lease agreement under paragraph (8) of that section.

The director shall promulgate rules and regulations necessary to carry out the provisions of this section, which rules shall provide, among others, the manner in which the remaining life of property shall be reported.

(G) (i) The amount of any civil, civil administrative, or criminal penalty or fine, including a penalty or fine under an administrative consent order, assessed and collected for a violation of a State or federal environmental law, an administrative consent order, or an environmental ordinance or resolution of a local governmental entity, and any interest earned on the penalty or fine, and any economic benefits having accrued to the violator as a result of a violation, which benefits are assessed and recovered in a civil, civil administrative, or criminal action, or pursuant to an administrative consent order. The provisions of this paragraph shall not apply to a penalty or fine assessed or collected for a violation of a State or federal environmental law, or local environmental ordinance or resolution, if the penalty or fine was for a violation that resulted from fire, riot, sabotage, flood, storm event, natural cause, or other act of God beyond the reasonable control of the violator, or caused by an act or omission of a person who was outside the reasonable control of the violator.

(ii) The amount of treble damages paid to the Department of Environmental Protection pursuant to subsection a. of section 7 of P.L.1976, c.141 (C.58:10-23.11f), for costs incurred by the department in removing, or arranging for the removal of, an unauthorized discharge upon failure of the discharger to comply with a directive from the department to remove, or arrange for the removal of, the discharge.

(H) The amount of any sales and use tax paid by a utility vendor pursuant to section 71 of P.L.1997, c.162.

(I) Interest paid, accrued or incurred for the privilege period to a related member, as defined in section 5 of P.L.2002, c.40 (C.54:10A-4.4), except that a deduction shall be permitted to the extent that the taxpayer establishes by clear and convincing evidence, as determined by the director, that: (i) a principal purpose of the transaction giving rise to the payment of the interest was not to avoid taxes otherwise due under Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, (ii) the interest is paid pursuant to arm's length contracts at an arm's length rate of interest, and (iii)(aa) the related member was subject to a tax on its net income or receipts in this State or another state or possession of the United States or in a foreign nation, (bb) a measure of the tax includes the interest received from the related member, and (cc) the rate of tax applied to the interest received by the related member is equal to or greater than a rate three percentage points less than the rate of tax applied to taxable interest by this State.

A deduction shall also be permitted if the taxpayer establishes by clear and convincing evidence, as determined by the director, that the disallowance of a deduction is unreasonable, or the taxpayer and the director agree in writing to the application or use of an alternative method of apportionment under section 8 of P.L.1945, c.162 (C.54:10A-8); nothing in this subsection shall be construed to limit or negate the director's authority to otherwise enter into agreements and compromises otherwise allowed by law.

A deduction shall also be permitted to the extent that the taxpayer establishes by a preponderance of the evidence, as determined by the director, that the interest is directly or indirectly paid, accrued or incurred to (i) a related member in a foreign nation which has in force a comprehensive income tax treaty with the United States, provided however that the taxpayer shall disclose on its return for the privilege period the name of the related member, the amount of the interest, the relevant foreign nation, and such other information as the director may prescribe or (ii) to an independent lender and the taxpayer guarantees the debt on which the interest is required.

(J) Amounts deducted for federal tax purposes pursuant to section 199 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.199, except that

this exclusion shall not apply to amounts deducted pursuant to that section that are exclusively based upon domestic production gross receipts of the taxpayer which are derived only from any lease, rental, license, sale, exchange, or other disposition of qualifying production property which the taxpayer demonstrates to the satisfaction of the director was manufactured or produced by the taxpayer in whole or in significant part within the United States but not qualified production property that was grown or extracted by the taxpayer. "Manufactured or produced" as used in this paragraph shall be limited to performance of an operation or series of operations the object of which is to place items of tangible personal property in a form, composition, or character different from that in which they were acquired. The change in form, composition, or character shall be a substantial change, and result in a transformation of property into a different or substantially more usable product.

(3) The commissioner may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

(4) There shall be allowed as a deduction from entire net income of a banking corporation, to the extent not deductible in determining federal taxable income, the eligible net income of an international banking facility determined as follows:

(A) The eligible net income of an international banking facility shall be the amount remaining after subtracting from the eligible gross income the applicable expenses;

(B) Eligible gross income shall be the gross income derived by an international banking facility, which shall include, but not be limited to, gross income derived from:

(i) Making, arranging for, placing or carrying loans to foreign persons, provided, however, that in the case of a foreign person which is an individual, or which is a foreign branch of a domestic corporation (other than a bank), or which is a foreign corporation or foreign partnership which is controlled by one or more domestic corporations (other than banks), domestic partnerships or resident individuals, all the proceeds of the loan are for use outside of the United States;

(ii) Making or placing deposits with foreign persons which are banks or foreign branches of banks (including foreign subsidiaries) or foreign branches of the taxpayers or with other international banking facilities;

(iii) Entering into foreign exchange trading or hedging transactions related to any of the transactions described in this paragraph; or

(iv) Such other activities as an international banking facility may, from time to time, be authorized to engage in;

(C) Applicable expenses shall be any expense or other deductions attributable, directly or indirectly, to the eligible gross income described in subparagraph (B) of this paragraph.

(5) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section and shall exclude 50% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of 50% or more ownership of investment, such ownership of investment calculated in the same manner as the 80% or more of ownership of investment is calculated as described in subsection (d) of this section.

(6) (A) Net operating loss deduction. There shall be allowed as a deduction for the privilege period the net operating loss carryover to that period.

(B) Net operating loss carryover. A net operating loss for any privilege period ending after June 30, 1984 shall be a net operating loss carryover to each of the seven privilege periods following the period of the loss and a net operating loss for any privilege period ending after June 30, 2009 shall be a net operating loss carryover to each of the twenty privilege periods following the period of the loss. The entire amount of the net operating loss for any privilege period (the "loss period") shall be carried to the earliest of the privilege periods to which the loss may be carried. The portion of the loss which shall be carried to each of the other privilege periods shall be the excess, if any, of the amount of the loss over the sum of the entire net income, computed without the exclusions permitted in paragraphs (4) and (5) of this subsection or the net operating loss deduction provided by subparagraph (A) of this paragraph, for each of the prior privilege periods to which the loss may be carried.

(C) Net operating loss. For purposes of this paragraph the term "net operating loss" means the excess of the deductions over the gross income used in computing entire net income without the net operating loss deduction provided for in subparagraph (A) of this paragraph and the exclusions in paragraphs (4) and (5) of this subsection.

(D) Change in ownership. Where there is a change in 50% or more of the ownership of a corporation because of redemption or sale of stock and

the corporation changes the trade or business giving rise to the loss, no net operating loss sustained before the changes may be carried over to be deducted from income earned after such changes. In addition where the facts support the premise that the corporation was acquired under any circumstances for the primary purpose of the use of its net operating loss carryover, the director may disallow the carryover.

(E) Notwithstanding the provisions of this paragraph (6) of subsection (k) of this section to the contrary, for privilege periods beginning during calendar year 2002 and calendar year 2003, no deduction for any net operating loss carryover shall be allowed and for privilege periods beginning during calendar year 2004 and calendar year 2005, there shall be allowed as a deduction for the privilege period so much of the net operating loss carryover as reduces entire net income otherwise calculated by 50%. If and only to the extent that any net operating loss carryover deduction is disallowed by reason of this subparagraph (E), the date on which the amount of the disallowed net operating loss carryover deduction would otherwise expire shall be extended by a period equal to the period for which application of the net operating loss was disallowed by this subparagraph.

Provided, that this subparagraph (E) shall not restrict the surrender or acquisition of corporation business tax benefit certificates pursuant to section 1 of P.L.1997, c.334 (C.34:1B-7.42a) and shall not restrict the application of corporation business tax benefit certificates pursuant to section 2 of P.L.1997, c.334 (C.54:10A-4.2).

(F) Reduction for discharge of indebtedness. A net operating loss for any privilege period ending after June 30, 2014, and any net operating loss carryover to such privilege period, shall be reduced by the amount excluded from federal taxable income under subparagraph (A), (B), or (C) of paragraph (1) of subsection (a) of section 108 of the federal Internal Revenue Code (26 U.S.C. s.108), for the privilege period of the discharge of indebtedness.

(7) The entire net income of gas, electric and gas and electric public utilities that were subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998, shall be adjusted by substituting the New Jersey depreciation allowance for federal tax depreciation with respect to assets placed in service prior to January 1, 1998. For gas, electric, and gas and electric public utilities that were subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998, the New Jersey depreciation allowance shall be computed as follows: All depreciable assets placed in service prior to January 1, 1998 shall be considered a single asset account. The New Jersey tax basis of this depreciable asset account shall be an amount equal to

the carryover adjusted basis for federal income tax purposes on December 31, 1997 of all depreciable assets in service on December 31, 1997, increased by the excess, of the "net carrying value," defined to be adjusted book basis of all assets and liabilities, excluding deferred income taxes, recorded on the public utility's books of account on December 31, 1997, over the carryover adjusted basis for federal income tax purposes on December 31, 1997 of all assets and liabilities owned by the gas, electric, or gas and electric public utility as of December 31, 1997. "Books of account" for gas, gas and electric, and electric public utilities means the uniform system of accounts as promulgated by the Federal Energy Regulatory Commission and adopted by the Board of Public Utilities. The following adjustments to entire net income shall be made pursuant to this section:

(A) Depreciation for property placed in service prior to January 1, 1998 shall be adjusted as follows:

(i) Depreciation for federal income tax purposes shall be disallowed in full.

(ii) A deduction shall be allowed for the New Jersey depreciation allowance. The New Jersey depreciation allowance shall be computed for the single asset account described above based on the New Jersey tax basis as adjusted above as if all assets in the single asset account were first placed in service on January 1, 1998. Depreciation shall be computed using the straight line method over a thirty-year life. A full year's depreciation shall be allowed in the initial tax year. No half-year convention shall apply. The depreciable basis of the single account shall be reduced by the adjusted federal tax basis of assets sold, retired, or otherwise disposed of during any year on which gain or loss is recognized for federal income tax purposes as described in subparagraph (B) of this paragraph.

(B) Gains and losses on sales, retirements and other dispositions of assets placed in service prior to January 1, 1998 shall be recognized and reported on the same basis as for federal income tax purposes.

(C) The Director of the Division of Taxation shall promulgate regulations describing the methodology for allocating the single asset account in the event that a portion of the utility's operations are separated, spun-off, transferred to a separate company or otherwise desegregated.

(8) In the case of taxpayers that are gas, electric, gas and electric, or telecommunications public utilities as defined pursuant to subsection (q) of this section, the director shall have authority to promulgate rules and issue guidance correcting distortions and adjusting timing differences resulting from the adoption of P.L.1997, c.162 (C.54:10A-5.25 et al.).

(9) Notwithstanding paragraph (1) of this subsection, entire net income shall not include the income derived by a corporation organized in a foreign country from the international operation of a ship or ships, or from the international operation of aircraft, if such income is exempt from federal taxation pursuant to section 883 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.883.

(10) Entire net income shall exclude all income of an alien corporation the activities of which are limited in this State to investing or trading in stocks and securities for its own account, investing or trading in commodities for its own account, or any combination of those activities, within the meaning of section 864 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.864, as in effect on December 31, 1998. Notwithstanding the previous sentence, if an alien corporation undertakes one or more infrequent, extraordinary or non-recurring activities, including but not limited to the sale of tangible property, only the income from such infrequent, extraordinary or non-recurring activity shall be subject to the tax imposed pursuant to P.L.1945, c.162 (C.54:10A-1 et seq.), and that amount of income subject to tax shall be determined without regard to the allocation to that specific transaction of any general business expense of the taxpayer and shall be specifically assigned to this State for taxation by this State without regard to section 6 of P.L.1945, c.162 (C.54:10A-6). For the purposes of this paragraph, "alien corporation" means a corporation organized under the laws of a jurisdiction other than the United States or its political subdivisions.

(11) No deduction shall be allowed for research and experimental expenditures, to the extent that those research and experimental expenditures are qualified research expenses or basic research payments for which an amount of credit is claimed pursuant to section 1 of P.L.1993, c.175 (C.54:10A-5.24) unless those research and experimental expenditures are also used to compute a federal credit claimed pursuant to section 41 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.41.

(12) (A) Notwithstanding the provisions of subsection (k) of section 168 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.168, subsection (b) of section 1400L of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1400L, or any other federal law, for property acquired after September 10, 2001, the depreciation deduction otherwise allowed pursuant to section 167 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.167, shall be determined pursuant to the provisions of the federal Internal Revenue Code of 1986 (26 U.S.C. s.1 et seq.) in effect on December 31, 2001.

(B) The director shall prescribe the rules and regulations necessary to carry out the provisions of this paragraph, including, among others, those

for determining the adjusted basis of the acquired property for the purposes of the Corporation Business Tax Act (1945), P.L.1945, c.162.

(13) (A) Notwithstanding the provisions of section 179 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.179, for property placed in service on or after January 1, 2004, the costs that a taxpayer may otherwise elect to treat as an expense which is not chargeable to a capital account shall be determined pursuant to the provisions of the federal Internal Revenue Code of 1986 (26 U.S.C. s.1 et seq.) in effect on December 31, 2002.

(B) The director shall prescribe the rules and regulations necessary to carry out the provisions of this paragraph, including, among others, those for determining the adjusted basis of the acquired property for the purposes of the Corporation Business Tax Act (1945), P.L.1945, c.162.

(14) Notwithstanding the provisions of subsection (i) of section 108 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.108), for privilege periods beginning after December 31, 2008 and before January 1, 2011, entire net income shall include the amount of discharge of indebtedness income excluded for federal income tax purposes pursuant to subsection (i) of section 108 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.108), and for privilege periods beginning on or after January 1, 2014 and before January 1, 2019, entire net income shall exclude the amount of discharge of indebtedness income included for federal income tax purposes, pursuant to subsection (i) of section 108 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.108).

(l) "Real estate investment trust" shall mean any corporation, trust or association qualifying and electing to be taxed as a real estate investment trust under federal law.

(m)"Financial business corporation" shall mean any corporate enterprise which is (1) in substantial competition with the business of national banks and which (2) employs moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; buying and selling exchange; making of or dealing in secured or unsecured loans and discounts; dealing in securities and shares of corporate stock by purchasing and selling such securities and stock without recourse, solely upon the order and for the account of customers; or investing and reinvesting in marketable obligations evidencing indebtedness of any person, copartnership, association or corporation in the form of bonds, notes or debentures commonly known as investment securities; or dealing in or underwriting obligations of the United States, any state or any political subdivision thereof, or of a corporate instrumentality of any of them. This shall include, with-

out limitation of the foregoing, business commonly known as industrial banks, dealers in commercial paper and acceptances, sales finance, personal finance, small loan and mortgage financing businesses, as well as any other enterprise employing moneyed capital coming into competition with the business of national banks; provided that the holding of bonds, notes, or other evidences of indebtedness by individual persons not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with the business of national banks, shall not be deemed financial business. Nor shall "financial business" include national banks, production credit associations organized under the Farm Credit Act of 1933 or the Farm Credit Act of 1971, Pub.L.92-181 (12 U.S.C. s.2091 et seq.), stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, real estate investment trusts, or any of the following entities organized under the laws of this State: credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies.

(n) "International banking facility" shall mean a set of asset and liability accounts segregated on the books and records of a depository institution, United States branch or agency of a foreign bank, or an Edge or Agreement Corporation that includes only international banking facility time deposits and international banking facility extensions of credit as such terms are defined in section 204.8(a)(2) and section 204.8(a)(3) of Regulation D of the board of governors of the Federal Reserve System, 12 CFR Part 204, effective December 3, 1981. In the event that the United States enacts a law, or the board of governors of the Federal Reserve System adopts a regulation which amends the present definition of international banking facility or of such facilities' time deposits or extensions of credit, the Commissioner of Banking and Insurance shall forthwith adopt regulations defining such terms in the same manner as such terms are set forth in the laws of the United States or the regulations of the board of governors of the Federal Reserve System. The regulations of the Commissioner of Banking and Insurance shall thereafter provide the applicable definitions.

(o) "S corporation" means a corporation included in the definition of an "S corporation" pursuant to section 1361 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1361.

(p) "New Jersey S corporation" means a corporation that is an S corporation; which has made a valid election pursuant to section 3 of P.L.1993, c.173 (C.54:10A-5.22); and which has been an S corporation continuously

since the effective date of the valid election made pursuant to section 3 of P.L.1993, c.173 (C.54:10A-5.22).

(q) "Public Utility" means "public utility" as defined in R.S.48:2-13.

(r) "Qualified investment partnership" means a partnership under this act that has more than 10 members or partners with no member or partner owning more than a 50% interest in the entity and that derives at least 90% of its gross income from dividends, interest, payments with respect to securities loans, and gains from the sale or other disposition of stocks or securities or foreign currencies or commodities or other similar income (including but not limited to gains from swaps, options, futures or forward contracts) derived with respect to its business of investing or trading in those stocks, securities, currencies or commodities, but "investment partnership" shall not include a "dealer in securities" within the meaning of section 1236 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1236.

(s) "Savings institution" means a state or federally chartered building and loan association, savings and loan association, or savings bank.

(t) "Partnership" means an entity classified as a partnership for federal income tax purposes.

4. Section 2 of P.L.1966, c.30 (C.54:32B-2) is amended to read as follows:

C.54:32B-2 Definitions.

2. Unless the context in which they occur requires otherwise, the following terms when used in this act shall mean:

(a) "Person" includes an individual, trust, partnership, limited partnership, limited liability company, society, association, joint stock company, corporation, public corporation or public authority, estate, receiver, trustee, assignee, referee, fiduciary and any other legal entity.

(b) "Purchase at retail" means a purchase by any person at a retail sale.

(c) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(d) "Receipt" means the amount of the sales price of any tangible personal property, specified digital product or service taxable under this act.

(e) "Retail sale" means any sale, lease, or rental for any purpose, other than for resale, sublease, or subrent.

(1) For the purposes of this act a sale is for "resale, sublease, or subrent" if it is a sale (A) for resale either as such or as converted into or as a component part of a product produced for sale by the purchaser, including the conversion of natural gas into another intermediate or end product,

other than electricity or thermal energy, produced for sale by the purchaser, (B) for use by that person in performing the services subject to tax under subsection (b) of section 3 where the property so sold becomes a physical component part of the property upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax, (C) of telecommunications service to a telecommunications service provider for use as a component part of telecommunications service provided to an ultimate customer, or (D) to a person who receives by contract a product transferred electronically for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition of the product, in whole or in part, to another person, other than rights to redistribute based on statutory or common law doctrine such as fair use.

(2) For the purposes of this act, the term "retail sale" includes: sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others.

(3) (Deleted by amendment, P.L.2005, c.126).

(4) The term "retail sale" does not include:

(A) Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(B) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction.

(C) The distribution of property by a corporation to its stockholders as a liquidating dividend.

(D) The distribution of property by a partnership to its partners in whole or partial liquidation.

(E) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock.

(F) The contribution of property to a partnership in consideration for a partnership interest therein.

(G) The sale of tangible personal property where the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the seller.

(f) "Sale, selling or purchase" means any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, con-

ditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor, including the rendering of any service, taxable under this act, for a consideration or any agreement therefor.

(g) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. "Tangible personal property" includes electricity, water, gas, steam, and prewritten computer software including prewritten computer software delivered electronically.

(h) "Use" means the exercise of any right or power over tangible personal property, specified digital products, services to property or products, or services by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for any length of time, withdrawal from storage, any distribution, any installation, any affixation to real or personal property, or any consumption of such property or products. Use also includes the exercise of any right or power over intrastate or interstate telecommunications and prepaid calling services. Use also includes the exercise of any right or power over utility service. Use also includes the derivation of a direct or indirect benefit from a service.

(i) "Seller" means a person making sales, leases or rentals of personal property or services.

(1) The term "seller" includes:

(A) A person making sales, leases or rentals of tangible personal property, specified digital products or services, the receipts from which are taxed by this act;

(B) A person maintaining a place of business in the State or having an agent maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the State of tangible personal property, specified digital products or services, the use of which is taxed by this act;

(C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within the State of tangible personal property, specified digital products or services, the use of which is taxed by this act.

A person making sales of tangible personal property, specified digital products, or services taxable under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.) shall be presumed to be soliciting business through an independent contractor or other representative if the person making sales enters into an agreement with an independent contractor having physical presence in this State or other representative having physical

presence in this State, for a commission or other consideration, under which the independent contractor or representative directly or indirectly refers potential customers, whether by a link on an internet website or otherwise, and the cumulative gross receipts from sales to customers in this State who were referred by all independent contractors or representatives that have this type of an agreement with the person making sales are in excess of $10,000 during the preceding four quarterly periods ending on the last day of March, June, September, and December. This presumption may be rebutted by proof that the independent contractor or representative with whom the person making sales has an agreement did not engage in any solicitation in the State on behalf of the person that would satisfy the nexus requirements of the United States Constitution during the four quarterly periods in question. Nothing in this subparagraph shall be construed to narrow the scope of the terms independent contractor or other representative for purposes of any other provision of the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.);

(D) Any other person making sales to persons within the State of tangible personal property, specified digital products or services, the use of which is taxed by this act, who may be authorized by the director to collect the tax imposed by this act;

(E) The State of New Jersey, any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another state) or political subdivisions when such entity sells services or property of a kind ordinarily sold by private persons;

(F) (Deleted by amendment, P.L.2005, c.126);

(G) A person who sells, stores, delivers or transports energy to users or customers in this State whether by mains, lines or pipes located within this State or by any other means of delivery;

(H) A person engaged in collecting charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization; and

(I) A person engaged in the business of parking, storing or garaging motor vehicles.

(2) In addition, when in the opinion of the director it is necessary for the efficient administration of this act to treat any salesman, representative, peddler or canvasser as the agent of the seller, distributor, supervisor or employer under whom the agent operates or from whom the agent obtains tangible personal property or a specified digital product sold by the agent or

for whom the agent solicits business, the director may, in the director's discretion, treat such agent as the seller jointly responsible with the agent's principal, distributor, supervisor or employer for the collection and payment over of the tax. A person is an agent of a seller in all cases, but not limited to such cases, that: (A) the person and the seller have the relationship of a "related person" described pursuant to section 2 of P.L.1993, c.170 (C.54:10A-5.5); and (B) the seller and the person use an identical or substantially similar name, tradename, trademark, or goodwill, to develop, promote, or maintain sales, or the person and the seller pay for each other's services in whole or in part contingent upon the volume or value of sales, or the person and the seller share a common business plan or substantially coordinate their business plans, or the person provides services to, or that inure to the benefit of, the seller related to developing, promoting, or maintaining the seller's market.

(j) "Hotel" means a building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" includes an apartment hotel, a motel, boarding house or club, whether or not meals are served.

(k) "Occupancy" means the use or possession or the right to the use or possession, of any room in a hotel.

(l) "Occupant" means a person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(m) "Permanent resident" means any occupant of any room or rooms in a hotel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(n) "Room" means any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(o) "Admission charge" means the amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.

(p) "Amusement charge" means any admission charge, dues or charge of a roof garden, cabaret or other similar place.

(q) "Charge of a roof garden, cabaret or other similar place" means any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place.

(r) "Dramatic or musical arts admission charge" means any admission charge paid for admission to a theater, opera house, concert hall or other

hall or place of assembly for a live, dramatic, choreographic or musical performance.

(s) "Lessor" means any person who is the owner, licensee, or lessee of any premises, tangible personal property or a specified digital product which the person leases, subleases, or grants a license to use to other persons.

(t) "Place of amusement" means any place where any facilities for entertainment, amusement, or sports are provided.

(u) "Casual sale" means an isolated or occasional sale of an item of tangible personal property or a specified digital product by a person who is not regularly engaged in the business of making retail sales of such property or product where the item of tangible personal property or the specified digital product was obtained by the person making the sale, through purchase or otherwise, for the person's own use.

(v) "Motor vehicle" includes all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks), trailers, semitrailers, house trailers, or any other type of vehicle drawn by a motor-driven vehicle, and motorcycles, designed for operation on the public highways.

(w) "Persons required to collect tax" or "persons required to collect any tax imposed by this act" includes: every seller of tangible personal property, specified digital products or services; every recipient of amusement charges; every operator of a hotel; every seller of a telecommunications service; every recipient of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization; and every recipient of charges for parking, storing or garaging a motor vehicle. Said terms shall also include any officer or employee of a corporation or of a dissolved corporation who as such officer or employee is under a duty to act for such corporation in complying with any requirement of this act and any member of a partnership.

(x) "Customer" includes: every purchaser of tangible personal property, specified digital products or services; every patron paying or liable for the payment of any amusement charge; every occupant of a room or rooms in a hotel; every person paying charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization; and every purchaser of parking, storage or garaging a motor vehicle.

(y) "Property and services the use of which is subject to tax" includes: (1) all property sold to a person within the State, whether or not the sale is made within the State, the use of which property is subject to tax under sec-

tion 6 or will become subject to tax when such property is received by or comes into the possession or control of such person within the State; (2) all services rendered to a person within the State, whether or not such services are performed within the State, upon tangible personal property or a specified digital product the use of which is subject to tax under section 6 or will become subject to tax when such property or product is distributed within the State or is received by or comes into possession or control of such person within the State; (3) intrastate, interstate, or international telecommunications sourced to this State pursuant to section 29 of P.L.2005, c.126 (C.54:32B-3.4); (4) (Deleted by amendment, P.L.1995, c.184); (5) energy sold, exchanged or delivered in this State for use in this State; (6) utility service sold, exchanged or delivered in this State for use in this State; (7) mail processing services in connection with printed advertising material distributed in this State; (8) (Deleted by amendment, P.L.2005, c.126); and (9) services the benefit of which are received in this State.

(z) "Director" means the Director of the Division of Taxation in the State Department of the Treasury, or any officer, employee or agency of the Division of Taxation in the Department of the Treasury duly authorized by the director (directly, or indirectly by one or more redelegations of authority) to perform the functions mentioned or described in this act.

(aa) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A "lease or rental" may include future options to purchase or extend.

(1) "Lease or rental" does not include:

(A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of $100 or one percent of the total required payments; or

(C) Providing tangible personal property or a specified digital product along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subparagraph, an operator must do more than maintain, inspect, or set-up the tangible personal property or specified digital product.

(2) "Lease or rental" does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or de-

creased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. s.7701(h)(1).

(3) The definition of "lease or rental" provided in this subsection shall be used for the purposes of this act regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the federal Internal Revenue Code or other provisions of federal, state or local law.

(bb) (Deleted by amendment, P.L.2005, c.126).

(cc) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points.

"Telecommunications service" shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added.

"Telecommunications service" shall not include:

(1) (Deleted by amendment, P.L.2008, c.123);

(2) (Deleted by amendment, P.L.2008, c.123);

(3) (Deleted by amendment, P.L.2008, c.123);

(4) (Deleted by amendment, P.L.2008, c.123);

(5) (Deleted by amendment, P.L.2008, c.123);

(6) (Deleted by amendment, P.L.2008, c.123);

(7) data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(8) installation or maintenance of wiring or equipment on a customer's premises;

(9) tangible personal property;

(10) advertising, including but not limited to directory advertising;

(11) billing and collection services provided to third parties;

(12) internet access service;

(13) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services shall include but not be limited to cable service as defined in section 47 U.S.C. s.522(6)

and audio and video programming services delivered by commercial mobile radio service providers, as defined in section 47 C.F.R. 20.3;

(14) ancillary services; or

(15) digital products delivered electronically, including but not limited to software, music, video, reading materials, or ringtones.

For the purposes of this subsection:

"ancillary service" means a service that is associated with or incidental to the provision of telecommunications services, including but not limited to detailed telecommunications billing, directory assistance, vertical service, and voice mail service;

"conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;

"detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;

"directory assistance" means an ancillary service of providing telephone number information or address information or both;

"vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services; and

"voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. Voice mail service does not include any vertical service that a customer may be required to have to utilize the voice mail service.

(dd) (1) "Intrastate telecommunications" means a telecommunications service that originates in one United States state or a United States territory or possession or federal district, and terminates in the same United States state or United States territory or possession or federal district.

(2) "Interstate telecommunications" means a telecommunications service that originates in one United States state or a United States territory or possession or federal district, and terminates in a different United States state or United States territory or possession or federal district.

(3) "International telecommunications" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. "United States" includes the District of Columbia or a United States territory or possession.

(ee) (Deleted by amendment, P.L.2008, c.123)

(ff) "Natural gas" means any gaseous fuel distributed through a pipeline system.

(gg) "Energy" means natural gas or electricity.

(hh) "Utility service" means the transportation or transmission of natural gas or electricity by means of mains, wires, lines or pipes, to users or customers.

(ii) "Self-generation unit" means a facility located on the user's property, or on property purchased or leased from the user by the person owning the self-generation unit and such property is contiguous to the user's property, which generates electricity to be used only by that user on the user's property and is not transported to the user over wires that cross a property line or public thoroughfare unless the property line or public thoroughfare merely bifurcates the user's or self-generation unit owner's otherwise contiguous property.

(jj) "Co-generation facility" means a facility the primary purpose of which is the sequential production of electricity and steam or other forms of useful energy which are used for industrial or commercial heating or cooling purposes and which is designated by the Federal Energy Regulatory Commission, or its successor, as a "qualifying facility" pursuant to the provisions of the "Public Utility Regulatory Policies Act of 1978," Pub.L.95-617.

(kk) "Non-utility" means a company engaged in the sale, exchange or transfer of natural gas that was not subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to December 31, 1997.

(ll) "Pre-paid calling service" means the right to access exclusively telecommunications services, which shall be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(mm) "Mobile telecommunications service" means the same as that term is defined in the federal "Mobile Telecommunications Sourcing Act," 4 U.S.C. s.124 (Pub.L.106-252).

(nn) (Deleted by amendment, P.L.2008, c.123)

(oo) (1) "Sales price" is the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(C) Charges by the seller for any services necessary to complete the sale;

(D) Delivery charges;

(E) (Deleted by amendment, P.L.2011, c.49); and

(F) (Deleted by amendment, P.L.2008, c.123).

(2) "Sales price" does not include:

(A) Discounts, including cash, term, or coupons that are not reimbursed by a third party, that are allowed by a seller and taken by a purchaser on a sale;

(B) Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(C) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(D) The amount of sales price for which food stamps have been properly tendered in full or part payment pursuant to the federal Food Stamp Act of 1977, Pub.L.95-113 (7 U.S.C. s.2011 et seq.); or

(E) Credit for any trade-in of property of the same kind accepted in part payment and intended for resale if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser.

(3) "Sales price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) One of the following criteria is met:

(i) the purchaser presents a coupon, certificate, or other documentation to the seller to claim a price reduction or discount where the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented;

(ii) the purchaser identifies himself to the seller as a member of a group or organization entitled to a price reduction or discount; provided however, that a preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser.

(4) In the case of a bundled transaction that includes a telecommunications service, an ancillary service, internet access, or an audio or video programming service, if the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products is subject to tax unless the provider can identify by reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including non-tax purposes.

(pp) "Purchase price" means the measure subject to use tax and has the same meaning as "sales price."

(qq) "Sales tax" means the tax imposed on certain transactions pursuant to the provisions of the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

(rr) "Delivery charges" means charges by the seller for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing. If a shipment includes both exempt and taxable property, the seller should allocate the delivery charge by using: (1) a percentage based on the total sales price of the taxable property compared to the total sales price of all property in the shipment; or (2) a percentage based on the total weight of the taxable property compared to the total weight of all property in the shipment. The seller shall tax the percentage of the delivery charge allocated to the taxable property but is not required to tax the percentage allocated to the exempt property.

(ss) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addresses on a mailing list provided by the purchaser or at the direction of the purchaser in cases in which the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

(tt) "Streamlined Sales and Use Tax Agreement" means the agreement entered into as governed and authorized by the "Uniform Sales and Use Tax Administration Act," P.L.2001, c.431 (C.54:32B-44 et seq.).

(uu) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume.

(vv) (Deleted by amendment, P.L.2011, c.49)

(ww) "Landscaping services" means services that result in a capital improvement to land other than structures of any kind whatsoever, such as: seeding, sodding or grass plugging of new lawns; planting trees, shrubs, hedges, plants; and clearing and filling land.

(xx) "Investigation and security services" means:

(1) investigation and detective services, including detective agencies and private investigators, and fingerprint, polygraph, missing person tracing and skip tracing services;

(2) security guard and patrol services, including bodyguard and personal protection, guard dog, guard, patrol, and security services;

(3) armored car services; and

(4) security systems services, including security, burglar, and fire alarm installation, repair or monitoring services.

(yy) "Information services" means the furnishing of information of any kind, which has been collected, compiled, or analyzed by the seller, and provided through any means or method, other than personal or individual information which is not incorporated into reports furnished to other people.

(zz) "Specified digital product" means an electronically transferred digital audio-visual work, digital audio work, or digital book; provided however, that a digital code which provides a purchaser with a right to obtain the product shall be treated in the same manner as a specified digital product.

(aaa) "Digital audio-visual work" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(bbb) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including a ringtone.

(ccc) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(ddd) "Transferred electronically" means obtained by the purchaser by means other than tangible storage media.

(eee) "Ringtone" means a digitized sound file that is downloaded onto a device and that may be used to alert the purchaser with respect to a communication.

5. This act shall take effect immediately, except that sections 1, 2, and 3 apply to privilege periods ending on or after July 1, 2014, and section 4 shall apply to sales made, services rendered, and uses occurring on or after July 1, 2014.

Approved June 30, 2014.

CHAPTER 14

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2015 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 2014-2015 *GENERAL FUND*

Undesignated Fund Balance, July 1, 2014	$300,000,000

Major Taxes

Sales	$9,313,000,000
Less: Sales Tax Dedication	***(693,000,000)***
Corporation Business	2,610,000,000
Transfer Inheritance	757,900,000
Insurance Premium	627,000,000
Motor Fuels	541,000,000
Motor Vehicle Fees	432,400,000
Realty Transfer	305,000,000
Petroleum Products Gross Receipts	215,000,000
Corporation Banks and Financial Institutions	210,000,000
Cigarette	180,751,000
Alcoholic Beverage Excise	110,000,000
Tobacco Products Wholesale Sales	21,700,000
Public Utility Excise (Reform)	14,000,000
Total - Major Taxes	$14,644,751,000

Miscellaneous Taxes, Fees, and Revenues

Executive Branch	
Department of Agriculture:	
Fertilizer Inspection Fees	$366,000
Miscellaneous Revenue	3,000
Subtotal, Department of Agriculture	$369,000
Department of Banking and Insurance:	
Actuarial Services	$64,000
Banking - Assessments	13,896,000
Banking - Licenses and Other Fees	2,150,000
Fraud Fines	1,100,000

Matter within summary of appropriations is not enacted as part of the law and is intended to be for the purpose of displaying summaries of the items of appropriations set forth elsewhere.
Note: See P.L.2014, c.15 for supplementary budget language that was omitted from the FY 2015 Appropriations Act due to a technical problem.

HMO Covered Lives	450,000
Insurance - Examination Billings	2,500,000
Insurance - Licenses and Other Fees	41,363,000
Insurance - Special Purpose Assessment	41,555,000
Insurance Fraud Prevention	30,862,000
Real Estate Commission	10,000,000
Subtotal, Department of Banking and Insurance	$143,940,000
Department of Children and Families:	
Child Care Licensing/Adoption Law	$320,000
Contract Recoveries	14,068,000
Divorce Filing Fees	1,300,000
Marriage License/Civil Union Fees	1,150,000
Subtotal, Department of Children and Families	$16,838,000
Department of Community Affairs:	
Affordable Housing and Neighborhood Preservation - Fair Housing	$38,184,000
Construction Fees	16,102,000
Fire Safety	17,107,000
Housing Inspection Fees	10,341,000
Planned Real Estate Development Fees	750,000
Subtotal, Department of Community Affairs	$82,484,000
Department of Education:	
Audit Recoveries	$150,000
Audit of Enrollments	1,300,000
Nonpublic Schools Handicapped and Auxiliary Recoveries	8,000,000
Nonpublic Schools Textbook Recoveries	1,000,000
School Construction Inspection Fees	350,000
State Board of Examiners	4,663,000
Subtotal, Department of Education	$15,463,000
Department of Environmental Protection:	
Air Pollution Fees - Minor Sources	$9,300,000
Air Pollution Fees - Title V Operating Permits	6,250,000
Air Pollution Fines	2,700,000
Clean Water Enforcement Act	1,850,000
Coastal Area Facility Review Act	1,685,000
Endangered Species Tax Checkoff	158,000
Environmental Infrastructure Financing Program Administrative Fee	5,000,000
Excess Diversion	320,000
Freshwater Wetlands Fees	3,020,000
Freshwater Wetlands Fines	600,000
Hazardous Waste Fees	3,245,000
Hazardous Waste Fines	450,000
Hunters' and Anglers' Licenses	11,983,000

Industrial Site Recovery Act	25,000
Laboratory Certification Fees	2,800,000
Laboratory Certification Fines	50,000
Marina Rentals	885,000
Marine Lands - Preparation and Filing Fees	145,000
Medical Waste	5,100,000
New Jersey Pollutant Discharge Elimination System/Stormwater Permits	16,700,000
Parks Management Fees and Permits	4,300,000
Parks Management Fines	74,000
Pesticide Control Fees	4,400,000
Pesticide Control Fines	40,000
Radiation Protection Fees	4,800,000
Radiation Protection Fines	150,000
Radon Testers Certification	225,000
Shellfish and Marine Fisheries	5,000
Solid Waste - Utility Regulation Assessments	3,100,000
Solid Waste Fines	1,000,000
Solid Waste Management Fees	10,400,000
Solid and Hazardous Waste Disclosure	202,000
Stream Encroachment	3,345,000
Toxic Catastrophe Prevention Fees	1,600,000
Toxic Catastrophe Prevention Fines	100,000
Treatment Works Approval	1,200,000
Underground Storage Tanks Fees	700,000
Water Allocation	2,425,000
Water Supply Management Regulations	1,230,000
Water/Wastewater Operators Licenses	210,000
Waterfront Development Fees	3,244,000
Waterfront Development Fines	35,000
Well Permits/Well Drillers/Pump Installers Licenses	1,100,000
Wetlands	62,000
Worker Community Right to Know - Fines	10,000
Subtotal, Department of Environmental Protection	$116,223,000
Department of Health:	
Admission Charge Hospital Assessment	$6,000,000
Health Care Reform	1,200,000
Licenses, Fines, Permits, Penalties and Fees	2,540,000
Miscellaneous Revenue	150,000
Subtotal, Department of Health	$9,890,000
Department of Human Services:	
Early Periodic Screening, Diagnosis and Treatment	$7,800,000
Medicaid Uncompensated Care - Acute	225,820,000
Medicaid Uncompensated Care - Mental Health	36,481,000

Medicaid Uncompensated Care - Psychiatric	178,685,000
Medical Assistance - Federal Match on PAAD/Medicaid Dual Eligibles	350,000
Miscellaneous Revenue	2,634,000
Patients' and Residents' Cost Recovery - Developmental Disabilities	14,537,000
Patients' and Residents' Cost Recovery - Psychiatric Hospitals	69,788,000
School Based Medicaid	50,680,000
Subtotal, Department of Human Services	$586,775,000
Department of Labor and Workforce Development:	
Miscellaneous Revenue	$155,000
Special Compensation Fund	1,903,000
Workers' Compensation Assessment	13,434,000
Workplace Standards - Licenses, Permits and Fines	4,351,000
Subtotal, Department of Labor and Workforce Development	$19,843,000
Department of Law and Public Safety:	
Beverage Licenses	$4,199,000
Charities Registration Section	556,000
Consumer Affairs	830,000
Controlled Dangerous Substances	100,000
Forfeiture Funds	1,000,000
Legalized Games of Chance Control	1,200,000
Miscellaneous Revenue	20,000
New Jersey Cemetery Board	4,000
Private Employment Agencies	258,000
Recreational Boating	2,100,000
Securities Enforcement	13,394,000
Settlements	150,000,000
State Board of Architects	250,000
State Board of Audiology and Speech - Language Pathology Advisory	20,000
State Board of Certified Public Accountants	985,000
State Board of Chiropractors	13,000
State Board of Cosmetology and Hairstyling	3,857,000
State Board of Court Reporting	14,000
State Board of Dentistry	88,000
State Board of Electrical Contractors	630,000
State Board of HVAC Contractors	35,000
State Board of Marriage Counselor Examiners	705,000
State Board of Massage and Bodyworks	298,000
State Board of Master Plumbers	329,000
State Board of Medical Examiners	3,000,000
State Board of Mortuary Science	149,000
State Board of Nursing	3,350,000

State Board of Occupational Therapists and Assistants 16,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians 11,000
State Board of Optometrists 177,000
State Board of Orthotics and Prosthetics 32,000
State Board of Pharmacy 1,760,000
State Board of Physical Therapy 18,000
State Board of Polysomnography 65,000
State Board of Professional Engineers and Land Surveyors 230,000
State Board of Professional Planners 3,000
State Board of Psychological Examiners 333,000
State Board of Real Estate Appraisers 18,000
State Board of Respiratory Care 9,000
State Board of Social Workers 428,000
State Board of Veterinary Medical Examiners 214,000
State Police - Fingerprint Fees 3,694,000
State Police - Other Licenses 348,000
State Police - Private Detective Licenses 200,000
Victims of Violent Crime Compensation 3,372,000
Weights and Measures - General 2,612,000
Subtotal, Department of Law and Public Safety $200,924,000
Department of Military and Veterans' Affairs:
Soldiers' Homes $50,353,000
Subtotal, Department of Military and Veterans' Affairs $50,353,000
Department of State:
Governor's Teaching Scholars Program Loan Repayment $5,000
Subtotal, Department of State $5,000
Department of Transportation:
Air Safety Fund $965,000
Applications and Highway Permits 2,000,000
Autonomous Transportation Authorities 53,500,000
Drunk Driving Fines 400,000
Good Driver 77,800,000
Interest on Purchase of Right of Way 5,000
Logo Sign Program Fees 300,000
Maritime Program Receipts 2,200,000
Miscellaneous Revenue 40,000
Outdoor Advertising 740,000
Subtotal, Department of Transportation $137,950,000
Department of the Treasury:
Assessment on Real Property Greater Than $1 Million $118,000,000
Assessments - Cable TV 5,409,000
Assessments - Public Utility 31,947,000
CATV Universal Access 8,100,000
Commercial Recording - Expedited 1,150,000

Commissions (Notary)	1,100,000
Domestic Security	33,200,000
Dormitory Safety Trust Fund - Debt Service Recovery	5,640,000
Equipment Leasing Fund - Debt Service Recovery	4,144,000
General Revenue - Fees (Commercial Recording and UCC)	56,600,000
Higher Education Capital Improvement Fund - Debt Service Recovery	17,486,000
Hotel/Motel Occupancy Tax	105,000,000
Miscellaneous Revenue	900,000
NJ Public Records Preservation	30,100,000
Nuclear Emergency Response Assessment	4,435,000
Office of Dispute Settlement Mediation	50,000
Public Defender Client Receipts	3,200,000
Public Utility Fines	215,000
Public Utility Gross Receipts and Franchise Taxes (Water/Sewer)	115,000,000
Railroad Tax - Class II	4,600,000
Railroad Tax - Franchise	6,800,000
Rate Counsel	8,500,000
Surplus Property	1,800,000
Tax Referral Cost Recovery Fee	7,200,000
Telephone Assessment	120,000,000
Tire Clean-Up Surcharge	9,000,000
Tobacco Settlement Financing Corporation - MSA Payments	56,026,000
Subtotal, Department of the Treasury	$755,602,000
Other Sources:	
Miscellaneous Revenue	$10,200,000
Subtotal, Other Sources	$10,200,000
Interdepartmental Accounts:	
Administration and Investment of Pension and Health Benefit Funds - Recoveries	$2,754,000
Employee Maintenance Deductions	300,000
Fringe Benefit Recoveries from Colleges and Universities/ University Hospital	174,826,000
Fringe Benefit Recoveries from Federal and Other Funds	300,479,000
Fringe Benefit Recoveries from School Districts	41,060,000
Indirect Cost Recoveries - DEP Other Funds	11,100,000
Indirect Cost Recovery - Federal and Other Funds	8,000,000
MTF Revenue Fund	3,300,000
Rent of State Building Space	3,470,000
Social Security Recoveries from Federal and Other Funds	61,678,000
Subtotal, Interdepartmental Accounts	$606,967,000

The Judiciary:	
Court Fees	$56,872,000
Subtotal, The Judiciary	$56,872,000
Total - Miscellaneous Taxes, Fees, and Revenues	$2,810,698,000

Interfund Transfers

Beaches and Harbor Fund	$1,000
Building Our Future Fund	359,000
Dam, Lake, Stream and Flood Control Project Fund - 2003	10,000
Developmental Disabilities Waiting List Reduction Fund	2,000
Dredging and Containment Facility Fund	444,000
Energy Conservation Fund	1,000
Enterprise Zone Assistance Fund	80,601,000
Fund for the Support of Free Public Schools	4,678,000
Garden State Farmland Preservation Trust Fund	2,040,000
Garden State Green Acres Preservation Trust Fund	5,605,000
Garden State Historic Preservation Trust Fund	674,000
Hazardous Discharge Site Cleanup Fund	18,578,000
Housing Assistance Fund	6,000
Judiciary Bail Fund	32,000
Judiciary Child Support and Paternity Fund	2,000
Judiciary Probation Fund	10,000
Judiciary Special Civil Fund	5,000
Judiciary Superior Court Miscellaneous Fund	3,000
Legal Services Fund	11,000,000
Mortgage Assistance Fund	902,000
Motor Vehicle Security Responsibility Fund	1,000
NJ Bridge Rehabilitation and Improvement and R.R. Right-of-Way Preservation Fund	4,000
Natural Resources Fund	2,000
New Jersey Spill Compensation Fund	16,477,000
New Jersey Workforce Development Partnership Fund	26,945,000
Pollution Prevention Fund	1,000,000
Safe Drinking Water Fund	2,526,000
Shore Protection Fund	3,000
State Disability Benefit Fund	38,414,000
State Land Acquisition and Development Fund	1,000
State Lottery Fund	1,036,850,000
State Lottery Fund - Administration	13,325,000
State Recycling Fund	6,200,000
State of New Jersey Cash Management Fund	1,735,000
Statewide Transportation and Local Bridge Fund	8,000
Supplemental Workforce Fund for Basic Skills	2,000,000
Unclaimed Insurance Payments on Deposit Accounts Trust Fund	8,000

Unclaimed Personal Property Trust Fund 139,111,000
Unclaimed Utility Deposits Trust Fund 7,000
Unemployment Compensation Auxiliary Fund 18,244,000
Universal Service Fund 65,705,000
Wage and Hour Trust Fund 2,000
Water Conservation Fund 1,000
Water Supply Fund 4,298,000
Worker and Community Right to Know Fund 2,730,000
Total - Interfund Transfers $1,500,550,000
Total State Revenues, General Fund $18,955,999,000
Total Resources, General Fund $19,255,999,000

Property Tax Relief Fund

Gross Income Tax $12,627,000,000
Sales Tax Dedication 712,000,000
Total Resources, Property Tax Relief Fund $13,339,000,000

Casino Control Fund

Investment Earnings $8,000
License Fees 60,400,000
Total Resources, Casino Control Fund $60,408,000

Casino Revenue Fund

Casino Simulcasting Fund $300,000
Gross Revenue Tax 257,611,000
Other Casino Taxes and Fees 12,261,000
Total Resources, Casino Revenue Fund $270,172,000

Gubernatorial Elections Fund

Taxpayers' Designations $700,000
Total Resources, Gubernatorial Elections Fund $700,000
Total Resources, All State Funds $32,926,279,000

Federal Revenue

Executive Branch -
Department of Agriculture:
Asian Longhorned Beetle Monitoring $100,000
Child Care 80,300,000
Child Nutrition - School Breakfast 84,000,000
Child Nutrition - School Lunch 270,000,000
Child Nutrition - Special Milk 1,300,000
Child Nutrition - Summer Programs 10,571,000
Child Nutrition Administration 6,970,000
Farm Risk Management Education Program 282,000
Farmland Preservation 4,500,000

Food Stamp - The Emergency Food Assistance Program (TEFAP)	2,460,000
Fresh Fruit and Vegetable Program	4,800,000
Indemnities - Avian Influenza	507,000
Specialty Crop Block Grant Program	1,600,000
Various Federal Programs and Accruals	1,362,000
Subtotal, Department of Agriculture	$468,752,000
Department of Children and Families:	
Restricted Federal Grants	$15,102,000
Title IV-B Child Welfare Services	10,490,000
Title IV-E Foster Care	155,796,000
Subtotal, Department of Children and Families	$181,388,000
Department of Community Affairs:	
CDBG - Super Storm Sandy	$7,375,000
Community Services Block Grant	19,900,000
Emergency Shelter Grants Program	3,200,000
Low Income Home Energy Assistance Program	143,525,000
Moderate Rehabilitation Housing Assistance	10,845,000
National Affordable Housing - HOME Investment Partnerships	6,395,000
Section 8 Housing Voucher Program	232,000,000
Shelter Plus Care Program	4,655,000
Small Cities Block Grant Program	8,023,000
Transitional Housing - Homeless	70,000
Weatherization Assistance Program	4,437,000
Subtotal, Department of Community Affairs	$440,425,000
Department of Corrections:	
Engaging the Family - Community Centered	$1,039,000
Federal Re-Entry Initiative	800,000
Inmate Vocational Certifications	173,000
Prison Rape Elimination Grant	500,000
SID Intelligence Technology	500,000
Second Chance Act Re-Entry Demonstration	450,000
State Criminal Alien Assistance Program	3,792,000
Technology Enhancements	500,000
Various Federal Programs and Accruals	263,000
Subtotal, Department of Corrections	$8,017,000
Department of Education:	
21st Century Schools	$22,400,000
AIDS Prevention Education	501,000
Bilingual and Compensatory Education - Homeless Children and Youth	1,362,000
Head Start Collaboration	275,000
Improving America's Schools Act - Consolidated Administration	4,419,000

Improving Teacher Quality - Higher Education	1,415,000
Individuals with Disabilities Education Act Basic State Grant	357,040,000
Individuals with Disabilities Education Act Preschool Grants	11,168,000
Language Acquisition Discretionary Admin	21,100,000
Mathematics and Science Partnerships Grants	2,563,000
Migrant Education - Administration/Discretionary	2,022,000
Public Charter Schools	5,210,000
School Improvement Grants	10,055,000
State Assessments	8,772,000
State Grants for Improving Teacher Quality	52,000,000
Statewide Longitudinal Data Systems Research Grant	980,000
Title I - Grants to Local Educational Agencies	306,192,000
Title I - Part D, Neglected and Delinquent	1,523,000
Urban Areas Security Initiative	185,000
Vocational Education - Basic Grants - Administration	22,371,000
Various Federal Programs and Accruals	1,087,000
Subtotal, Department of Education	$832,640,000
Department of Environmental Protection:	
Air Pollution Maintenance Program	$10,500,000
Archery and Shooting Facility	2,750,000
Artificial Reef Program- PSE&G/NJPDES Permit Fees	1,000,000
Asian Longhorned Beetle Project	2,300,000
Assistance to Firefighters- Wildfire and Arson Prevention	200,000
Atlantic Coastal Cooperative Program	150,000
Atlantic Coastal Fisheries	300,000
Beach Monitoring and Notification	700,000
BioWatch Monitoring	750,000
Boat Access (Fish and Wildlife)	1,000,000
Brownfields	1,500,000
Chronic Wasting Disease	150,000
Clean Diesel Retrofit	400,000
Clean Vessels	1,000,000
Clean Water State Revolving Fund	54,600,000
Clean Water State Revolving Fund - Super Storm Sandy	191,110,000
Coastal Estuarine Land Program	2,000,000
Coastal Zone Management Implementation	3,400,000
Community Assistance Program	270,000
Consolidated Forest Management	1,080,000
Cooperative Technical Partnership	1,000,000
Defensible Space	400,000
Drinking Water State Revolving Fund	20,200,000
Drinking Water State Revolving Fund - Super Storm Sandy	38,225,000
Endangered Species	375,000
Endangered and Nongame Species Program State Wildlife Grants	1,000,000

Environmental Workforce and Job Training	1,000,000
Firewise in the Pines	200,000
Fish and Wildlife Action Plan	125,000
Fish and Wildlife Health	810,000
Fish and Wildlife Technical Guidance	400,000
Forest Legacy	6,040,000
Forest Resource Management - Cooperative Forest Fire Control	1,765,000
Green Energy	1,000,000
Gypsy Moth Suppression	420,000
Hazardous Waste - Resource Conservation Recovery Act	4,650,000
Historic Preservation - Super Storm Sandy	14,500,000
Historic Preservation Survey and Planning	1,000,000
Hudson River Walkway	4,000,000
Hunters' and Anglers' License Fund	9,285,000
Land and Water Conservation Fund	3,000,000
Leaking Underground Storage Tanks - Super Storm Sandy	2,500,000
Marine Fisheries Investigation and Management	1,750,000
Multimedia	750,000
NJ Atlantic and Shortnose Sturgeon	365,000
NJ Landowner Incentive	200,000
National Coastal Wetlands Conservation	3,000,000
National Dam Safety Program (FEMA)	120,000
National Geologic Mapping Program	300,000
National Recreational Trails	1,900,000
New Jersey's Landscape Project	150,000
Nonpoint Source Implementation (319H)	3,828,000
Northeast Wildlife Teamwork Strategy	60,000
Particulate Monitoring Grant	1,000,000
Pesticide Technology	550,000
Post-Super Storm Sandy Offshore Sand Resources	500,000
Preliminary Assessments/Site Inspections	1,000,000
Radon Program	600,000
Recovery Land Acquisition	1,000,000
Remedial Planning Support Agency Assistance	1,000,000
Scenic Byways	3,500,000
Southern Pine Beetle	300,000
Species of Greater Conservation Need - Mammal Research and Management	300,000
State Recreational Trails	1,860,000
State Wetlands Conservation Plan	550,000
State Wildlife Grant Projects	1,000,000
State and EPA Data Management Grant	600,000
Superfund Grants	5,000,000

Underground Storage Tank Program Standard Compliance Inspections	1,250,000
Underground Storage Tanks	2,500,000
Urban Community Air Toxics Program	800,000
Water Monitoring and Planning	1,000,000
Water Pollution Control Program	4,575,000
Wildland and Urban Interface II	100,000
Various Federal Programs and Accruals	875,000
Subtotal, Department of Environmental Protection	$429,338,000
Department of Health:	
AIDS Drug Distribution Program	$4,000,000
Abstinence Education - Family Health Services (FHS)	914,000
Adult Viral Hepatitis Prevention	200,000
Asthma Surveillance and Coalition Building	769,000
Bioterrorism Hospital Emergency Preparedness	14,786,000
Birth Defects Surveillance Program	508,000
Breastfeeding Peer Counseling	300,000
Chronic Disease Prevention and Health Promotion Programs - Public Health	3,350,000
Clinical Laboratory Improvement Amendments Program	490,000
Comprehensive AIDS Resources Grant	49,550,000
Conformance with the Manufactured Food Regulatory Program Standards	290,000
Coordinated Integrated Initiative	2,255,000
Core Injury Prevention and Control Program	300,000
Demonstration Program to Conduct Health Assessments	627,000
Early Hearing Detection and Intervention (EHDI) Tracking, Research	210,000
Early Intervention for Infants and Toddlers with Disabilities (Part H)	13,000,000
Eliminating Disparities in Perinatal Health	500,000
Emergency Medical Services for Children (EMSC) Partnership Grants	226,000
Emergency Preparedness for Bioterrorism	29,581,000
Enhanced HIV/AIDS Surveillance - Perinatal	213,000
Enhancing & Making Programs & Outcomes Work to End Rape	96,000
Federal Lead Abatement Program	440,000
Food Emergency Response Network- E. Coli in Ground Beef	165,000
Food Inspection	556,000
Fundamental & Expanded Occupational Health	985,000
H1N1 Public Health Emergency Response	18,404,000
HIV/AIDS Events Without Care in New Jersey	373,000
HIV/AIDS Prevention and Education Grant	17,600,000
HIV/AIDS Surveillance Grant	3,318,000

Healthy Homes and Lead Poisoning Prevention Program	594,000
Heart Disease and Stroke Prevention	450,000
Housing Opportunities For Persons With AIDS	2,264,000
Housing Opportunities for Incarcerated Persons with AIDS	2,101,000
Immunization Project	8,674,000
Maternal and Child Health (MCH) Early Childhood Comprehensive System	140,000
Maternal and Child Health Block Grant	13,000,000
Maternal, Infant and Early Childhood Home Visiting Program	12,046,000
Medicare/Medicaid Inspections of Nursing Facilities	16,672,000
Morbidity and Risk Behavior Surveillance	725,000
National Cancer Prevention and Control - Public Health	6,889,000
National HIV/AIDS Behavioral Surveillance	512,000
National Program of Cancer Registries	842,000
New Jersey Cancer Education & Early Detection (NJ CEED)	219,000
New Jersey Personal Responsibility Education Program	1,410,000
New Jerseys' Reducing Health Disparities Initiative	160,000
Nurse Aide Certification Program	1,000,000
Pandemic Influenza Healthcare Preparedness	1,935,000
Pediatric AIDS Health Care Demonstration Project	2,850,000
Pregnancy Risk Assessment Monitoring System	750,000
Preventative Health and Health Services Block Grant	4,746,000
Public Employees Occupational Safety and Health - State Plan	900,000
Public Health Laboratory Biomonitoring Planning	2,156,000
Rape Prevention and Education Program	1,896,000
Ryan White Part B - Emergency Relief	7,300,000
Ryan White Part B - Supplemental	1,500,000
Senior Farmers Market Nutrition Program	2,000,000
Supplemental Food Program - Women, Infants, and Children (WIC)	152,000,000
Surveillance, Epidemiology and End Results (SEER)	1,319,000
Tobacco Age of Sale Enforcement (TASE)	1,366,000
Tuberculosis Control Program	6,095,000
Venereal Disease Project	3,882,000
Vital Statistics Component	1,100,000
West Nile Virus - Laboratory	200,000
West Nile Virus - Public Health	1,942,000
Women, Infants, and Children (WIC) Farmer's Market Nutrition Program	2,600,000
Various Federal Programs and Accruals	13,275,000
Subtotal, Department of Health	$441,516,000
Department of Human Services:	
Block Grant Mental Health Services	$12,962,000
Child Care Block Grant	116,304,000

Child Support Enforcement Program	208,654,000
Chronic Disease Self-Management Expansion	570,000
Developmental Disabilities Council	1,636,000
Electronic Health Records Provider Incentive Payments	125,645,000
Food Stamp Program	156,543,000
General Assistance Medicaid Waiver - Childless Adult Demonstration	20,000,000
Health Information Technology (HIT)	5,661,000
National Family Caregiver Program	5,200,000
New Jersey Money Follows the Person	19,867,000
Older Americans Act - Title III	34,074,000
Projects for Assistance in Transition from Homelessness (PATH)	2,125,000
Refugee Resettlement Program	4,118,000
Social Services Block Grant	44,301,000
Strategic Prevention Framework	3,863,000
Substance Abuse Block Grant	46,349,000
Supplemental Nutrition Assistance Program - Education	7,000,000
Temporary Assistance to Needy Families Block Grant	419,418,000
Title XIX Child Residential	92,891,000
Title XIX Community Care Waiver	456,921,000
Title XIX ICF/MR	300,195,000
Title XIX Medical Assistance	7,519,269,000
Title XXI Children's Health Insurance Program	328,266,000
United States Department of Agriculture Older Americans	4,350,000
Vocational Rehabilitation Act, Section 120	12,701,000
Various Federal Programs and Accruals	13,315,000
Subtotal, Department of Human Services	$9,962,198,000
Department of Labor and Workforce Development:	
Comprehensive Services for Independent Living	$600,000
Current Employment Statistics	2,865,000
Disability Determination Services	66,771,000
Disabled Veterans' Outreach Program	3,000,000
Employment Services	27,209,000
Employment Services Grants - Alien Labor Certification	721,000
Local Veterans' Employment Representatives	1,600,000
National Council on Aging- Senior Community Services Employment Project	2,700,000
Occupational Safety Health Act - On-Site Consultation	2,600,000
One Stop Labor Market Information	1,037,000
Public Employees Occupational Safety and Health Act	2,250,000
Redesigned Occupational Safety and Health (ROSH)	341,000
Rehabilitation of Supplemental Security Income Beneficiaries	2,000,000
Supported Employment	975,000
Technology Related Assistance Project	550,000

Trade Adjustment Assistance Project 4,200,000
Unemployment Insurance 169,966,000
Vocational Rehabilitation Act of 1973 50,470,000
Work Opportunity Tax Credit 750,000
Workforce Investment Act 108,886,000
Workforce Investment Act - Adult and Continuing Education 17,700,000
Various Federal Programs and Accruals 1,890,000
Subtotal, Department of Labor and Workforce Development .. $469,081,000
Department of Law and Public Safety:
Anti-Trafficking Task Force $200,000
Bulletproof Vest Partnership 15,000
Community Oriented Policing (COPS) Hiring Program 14,000,000
Domestic Marijuana Eradication Suppression Program 75,000
Emergency Management Performance Grant- Non Terrorism 8,500,000
Equal Employment Opportunity Commission 340,000
Fatality Analysis Reporting System (FARS) 240,000
Flood Mitigation Assistance 9,000,000
Forensic Casework DNA Backlog Reduction 1,400,000
Hazardous Materials Transportation 510,000
Highway Traffic Safety 37,312,000
Homeland Security Grant Program 8,354,000
Incident Command 1,500,000
Internet Crimes Against Children 400,000
Justice Assistance Grant (JAG) 4,613,000
Justice Information Sharing Solution 500,000
Juvenile Accountability Incentive Block Grant (JAIBG) 700,000
Juvenile Justice Delinquency Prevention 931,000
Medicaid Fraud Unit 4,053,000
National Criminal History Program - Office of the Attorney General 4,000,000
Paul Coverdell National Forensic Science Improvement 500,000
Port Security 3,000,000
Pre-Disaster Mitigation Grant (Competitive) 5,000,000
Prescription Drug Monitoring Program 200,000
Prison Rape Elimination Act - Penalty Award 500,000
Project Safe Neighborhoods 500,000
Recreational Boating Safety 4,000,000
Repetitive Flood Chain Program - FEMA 2,000,000
Residential Treatment for Substance Abuse 189,000
Severe Repetitive Loss - FEMA 10,000,000
Sex Offender Registration and Notification Act (SORNA) 900,000
Solving Cold Cases 340,000
UASI Nonprofit Security Grant Program (NSGP) 800,000
Urban Area Security Initiative (UASI) 21,663,000

Using DNA Technology to Identify the Missing	500,000
Victims of Crime Act - Vision 21	250,000
Victim Assistance Grants	11,598,000
Victim Compensation Award	2,500,000
Violence Against Women Act - Criminal Justice	3,288,000
Various Federal Programs and Accruals	450,000
Subtotal, Department of Law and Public Safety	$164,821,000
Department of Military and Veterans' Affairs:	
Antiterrorism Program Manager	$117,000
Armory Renovations and Improvements	5,000,000
Army Facilities Service Contracts	2,900,000
Army National Guard Electronic Security System	110,000
Army National Guard Statewide Security Agreement	700,000
Army National Guard Sustainable Range Program	80,000
Army Training and Technology Lab	350,000
Atlantic City Air Base - Service Contracts	2,643,000
Atlantic City Environmental	66,000
Atlantic City Operations and Maintenance	180,000
Atlantic City Sustainment, Restoration and Modernization	700,000
Brigadier General Doyle Memorial Cemetery Building Project	10,000,000
Coyle Field Atlantic City	30,000
Dining Facility Operations	150,000
Facilities Support Contract	12,000,000
Federal Distance Learning Program	40,000
Fire Fighter/Crash Rescue Service Cooperative Funding Agreement	2,000,000
Hazardous Waste Environmental Protection Program	1,600,000
McGuire Air Force Base - Service Contracts	2,090,000
McGuire Air Force Base Environmental	80,000
McGuire Operations and Maintenance	226,000
Medicare Part A Receipts for Resident Care and Operational Costs	11,049,000
National Guard Communications Agreement	700,000
Natural and Cultural Resources Management	20,000
New Jersey National Guard Challenge Youth Program	3,198,000
Sea Girt Regional Training Institute - Construction	34,000,000
Training Site Facilities Maintenance Agreements	82,000
Training and Equipment - Pool Sites	600,000
Veterans' Education Monitoring	600,000
Warren Grove Sustainment Restoration & Modernization	5,000
Warren Grove/Coyle Field	55,000
Various Federal Programs and Accruals	4,000,000
Subtotal, Department of Military and Veterans' Affairs	$95,371,000
Department of State:	

Americorps Grants	$4,380,000
Foster Grandparent Program	850,000
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	3,928,000
National Endowment for the Arts Partnership	900,000
State Trade and Export Promotion Pilot Grant Program	300,000
Statewide Longitudinal Data Systems Grant	242,000
Student Loan Administrative Cost Deduction and Allowance	16,784,000
Subtotal, Department of State	$27,384,000
Department of Transportation:	
Airport Fund	$1,500,000
Boating Infrastructure Program (New Jersey Maritime Program)	1,600,000
Commercial Drivers' License Program	1,316,000
Motor Carrier Safety Assistance Program	10,000,000
New Jersey Maritime Program - Ferry Boat	5,000,000
Subtotal, Department of Transportation	$19,416,000
Department of the Treasury:	
Division of Gas Expansion	$826,000
State Energy Conservation Program	1,102,000
Subtotal, Department of the Treasury	$1,928,000
Judicial Branch -	
The Judiciary:	
Various Federal Programs and Accruals	$1,325,000
Subtotal, The Judiciary	$1,325,000
Special Transportation Trust Fund	
Department of Transportation:	
Federal Highway Administration	$1,003,091,000
Federal Transit Administration	467,450,000
Subtotal, Special Transportation Fund - Federal	$1,470,541,000
Total - Federal Revenue	$15,014,141,000
Grand Total Resources, All Funds	$47,940,420,000

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 2015. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by encumbrances on file as of June 30, 2015 with the Director

of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 2015 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 2015 together with an explanation of their status. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any encumbrance or pre-encumbrance made under any appropriation contained in any appropriation act of the previous year or years. Furthermore, balances held by pre-encumbrances as of June 30, 2014 are available for payments applicable to fiscal year 2014 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 2014 together with an explanation of their status. On or before December 1, 2014, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46), shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending June 30, 2014, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 2014.

01 LEGISLATURE

70 Government Direction, Management, and Control

71 Legislative Activities

0001 Senate

DIRECT STATE SERVICES

01-0001 Senate $11,700,000

Total Direct State Services Appropriation, Senate $11,700,000

Direct State Services:

Personal Services:

Senators (40) ..... ($1,990,000)

Salaries and Wages ..... (4,590,000)

Members' Staff Services ..... (4,400,000)

Materials and Supplies ..... (135,000)

Services Other Than Personal ..... (486,000)

Maintenance and Fixed Charges ..... (72,000)

Additions, Improvements and Equipment ..... (27,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

0002 General Assembly

DIRECT STATE SERVICES

02-0002 General Assembly $18,217,000

Total Direct State Services Appropriation, General Assembly ... $18,217,000

Direct State Services:

Personal Services:

Assemblypersons (80).....($3,937,000)
Salaries and Wages .....(4,702,000)
Members' and Staff Services .....(8,800,000)
Materials and Supplies.....(108,000)
Services Other Than Personal.....(576,000)
Maintenance and Fixed Charges.....(90,000)
Additions, Improvements and Equipment .....(4,000)
The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

0003 Office of Legislative Services
DIRECT STATE SERVICES

03-0003Legislative Support Services $31,023,000
Total Direct State Services Appropriation, Office of Legislative Services..... $31,023,000

Direct State Services:
Personal Services:
Salaries and Wages .....($23,766,000)
Materials and Supplies.....(1,065,000)
Services Other Than Personal.....(2,527,000)
Maintenance and Fixed Charges.....(3,181,000)
Special Purpose:
03 State House Express Civics Education Program.....(30,000)
03 Affirmative Action and Equal Employment Opportunity .....(29,000)
03 Senator Wynona Lipman Chair in Women's Political Leadership, Eagleton Institute.....(100,000)
03 Henry J. Raimondo Legislative Fellows Program .....(69,000)
Additions, Improvements and Equipment .....(256,000)
Such sums as are required, as determined by the Technology Executive Group of the Legislative Information Systems Committee of the Legislative Services Commission, for the continuation and expansion of existing and emerging computer and information technologies for the Legislature including but not limited to interactive video conferencing, telecommunication capabilities, electronic copying and facsimile transmissions, training and such other technologies in order to sustain a coordinated and comprehensive legislative technology infrastructure that the Legislature deems necessary are appropriated. No amounts so determined shall be obligated, expended or otherwise made available without the written prior authorization of the Senate President and the Speaker of the General Assembly.
Such sums as are required for Master Lease payments are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

Such sums as may be required for the cost of information system audits performed by the State Auditor are funded from the departmental data processing accounts of the department in which the audits are performed.

Receipts from fees and charges for public access to legislative information systems and the unexpended balance at the end of the preceding fiscal year of such receipts are appropriated and shall be credited to a non-lapsing revolving fund established in and administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain, and expand the dissemination and availability of legislative information.

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

77 Legislative Commissions and Committees

DIRECT STATE SERVICES

09-0010	Intergovernmental Relations Commission	$400,000
09-0014	Joint Committee on Public Schools	335,000
09-0018	State Commission of Investigation	4,679,000
09-0053	New Jersey Law Revision Commission	321,000
09-0058	State Capitol Joint Management Commission	9,838,000
	Total Direct State Services Appropriation, Legislative Commissions and Committees	$15,573,000

Direct State Services:

Intergovernmental Relations Commission:

09	The Council of State Governments	($155,000)
09	National Conference of State Legislatures	(184,000)
09	Eastern Trade Council - The Council of State Governments	(36,000)
09	Northeast States Association for Agriculture Stewardship - The Council of State	(25,000)

Joint Committee on Public Schools:

09	Expenses of Commission	(335,000)

State Commission of Investigation:

09	Expenses of Commission	(4,679,000)

New Jersey Law Revision Commission:

09	Expenses of Commission	(321,000)

State Capitol Joint Management Commission:

09	Expenses of Commission	(9,838,000)

The unexpended balances at the end of the preceding fiscal year in these accounts are appropriated.

Receipts from the rental of the Cafeteria and the Welcome Center and any other facility under the jurisdiction of the State Capitol Joint Management Commission are appropriated to defray custodial, security, maintenance and other related costs of these facilities.

Such sums as are required for the establishment and operation of the Apportionment Commission and the Legislative Redistricting Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

Legislature, Total State Appropriation..... $76,513,000

Summary of Legislature Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $76,513,000
Appropriations by Fund:
General Fund..... $76,513,000

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06 OFFICE OF THE CHIEF EXECUTIVE
70 Government Direction, Management, and Control
76 Management and Administration
DIRECT STATE SERVICES

01-300 Executive Management $6,705,000
Total Direct State Services Appropriation, Management and Administration $6,705,000

Direct State Services:
Personal Services:
Salaries and Wages .....($5,693,000)
Special Purpose:
01 National Governors' Association.....(185,000)
01 Education Commission of the States .....(125,000)
01 National Conference of Commissioners On Uniform State Laws.....(65,000)
01 Brian Stack Intern Program .....(10,000)
01 Allowance to the Governor of Funds Not Otherwise Appropriated, For Official Reception on Behalf of the State, Operation of an Official Residence, and other Expenses.....(95,000)
Materials and Supplies.....(133,000)
Services Other Than Personal.....(356,000)
Maintenance and Fixed Charges.....(43,000)
The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Office of the Chief Executive, Total State Appropriation..... $6,705,000

Summary of The Office of the Chief Executive Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $6,705,000
Appropriations by Fund:
General Fund $6,705,000

10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning, and Regulation
DIRECT STATE SERVICES

01-3310 Animal Disease Control	$1,134,000
02-3320 Plant Pest and Disease Control	1,648,000
03-3330 Agriculture and Natural Resources	538,000
05-3350 Food and Nutrition Services	343,000
06-3360 Marketing and Development Services	702,000
08-3380 Farmland Preservation	2,029,000
99-3370 Administration and Support Services	847,000
Total Direct State Services Appropriation, Agricultural Resources, Planning, and Regulation	$7,241,000

Direct State Services:

Personal Services:	
Salaries and Wages	($4,413,000)
Materials and Supplies	(88,000)
Services Other Than Personal	(156,000)
Maintenance and Fixed Charges	(162,000)
Special Purpose:	
05 The Emergency Food Assistance Program	(343,000)
06 Promotion/Market Development	(50,000)
08 Agricultural Right-to-Farm Program	(85,000)
08 Open Space Administrative Costs	(1,944,000)

Receipts from laboratory test fees are appropriated to support the Animal Health Laboratory program. The unexpended balance at the end of the preceding fiscal year in the Animal Health Laboratory receipt account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for the cost of these programs. The unexpended balance at the end of the preceding fiscal year in the seed laboratory testing and certification receipt account is appropriated for the same purpose.

Receipts from Nursery Inspection fees are appropriated for the cost of that program. The unexpended balance at the end of the preceding fiscal year in the Nursery Inspection program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory. The unexpended balance at the end of the preceding fiscal year in the Sale of Insects account is appropriated for the same purpose.

Receipts from Stormwater Discharge Permit program fees are appropriated for the cost of that program. The unexpended balance at the end of the preceding fiscal year in the Stormwater Discharge Permit program account is appropriated for the same purpose.

Receipts from the distribution of commodities, sale of containers, and salvage of commodities, in accordance with applicable federal regulations, are appropriated for Commodity Distribution expenses.

Receipts in excess of the amount anticipated from feed, fertilizer, and liming material registrations and inspections are appropriated for the cost of that program.

Receipts from dairy licenses and inspections are appropriated for the cost of that program.

Receipts from agriculture chemistry fees not to exceed $75,000 are appropriated to support the organic certification program.

Receipts from organic certification program fees are appropriated for the cost of that program.

Receipts from inspection fees from fruit, vegetable, fish, red meat, and poultry inspections are appropriated for the cost of conducting fruit, vegetable, fish, red meat, and poultry inspections.

An amount equal to receipts generated at the rate of $0.47 per gallon of wine, vermouth, and sparkling wine sold by plenary winery and farm winery licensees licensed pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxation, are appropriated to the Department of Agriculture from the alcoholic beverage excise tax for expenses of the Wine Promotion Program.

Receipts derived from the surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $278,000, are appropriated to support the Agro-Terrorism program within the Department of Agriculture.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Open Space Administrative Costs account is transferred from the Garden State Farmland Preservation Trust Fund, the 2007 Farmland Preservation Fund, and the 2009 Farmland Preservation Fund to the General Fund, together with an amount not to exceed $1,029,000, and is appropriated to the Department of Agriculture for the State Agriculture Development Committee's administration of the Farmland Preservation program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed $200,000 shall be transferred from the appropriate funds estab-

lished in the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, to the State Transfer of Development Rights Bank account and is appropriated to the State Agriculture Development Committee for Transfer of Development Rights administrative costs.

GRANTS-IN-AID

05-3350 Food and Nutrition Services $6,818,000
Total Grants-in-Aid Appropriation, Agricultural Resources, Planning, and Regulation $6,818,000

Grants-in-Aid:

05 Hunger Initiative/Food Assistance Program ..... ($6,818,000)

Notwithstanding the provisions of any law or regulation to the contrary, $540,000 shall be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account and is appropriated to support nonpoint source pollution control programs in the Department of Agriculture on or before September 1 of the current fiscal year. Further additional amounts may be transferred pursuant to a Memorandum of Understanding between the Department of Environmental Protection and the Department of Agriculture from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account to support nonpoint source pollution control programs in the Department of Agriculture, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance of this program at the end of the preceding fiscal year is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The expenditure of funds for the Conservation Cost Share program hereinabove appropriated shall be based upon an expenditure plan, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Conservation Assistance Program is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed $250,000 may be transferred from the Department of Environmental Protection's Water Resources Monitoring and Planning - Constitutional Dedication special purpose account and is appropriated for the Animal Waste Management portion of the Conservation Assistance Program in the Division of Agricultural and Natural Resources in the Department of Agriculture, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

05-3350 Food and Nutrition Services $5,613,000
08-3380 Farmland Preservation 10,000
Total State Aid Appropriation, Program Classification $5,623,000

State Aid:

05 School Lunch Aid - State Aid Grants ..... ($5,613,000)

08 Payments in Lieu of Taxes.....(10,000)

The unexpended balance at the end of the preceding fiscal year in the School Lunch Aid - State Aid Grants account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount necessary to reimburse State and local government entities for participating in the School Lunch Program shall be paid from the School Lunch Aid - State Aid Grants account, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Department of Agriculture, such amounts as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Department of Agriculture, Total State Appropriation $19,682,000

Summary of Department of Agriculture Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $7,241,000
Grants-in-Aid 6,818,000
State Aid 5,623,000
Appropriations by Fund:
General Fund $19,682,000

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14 DEPARTMENT OF BANKING AND INSURANCE
50 Economic Planning, Development, and Security
52 Economic Regulation
DIRECT STATE SERVICES

01-3110 Consumer Protection Services and Solvency Regulation..... $21,606,000
02-3120 Actuarial Services..... 5,599,000
03-3130 Regulation of the Real Estate Industry 3,205,000
04-3110 Public Affairs, Legislative and Regulatory Services..... 2,276,000
06-3110 Bureau of Fraud Deterrence 22,996,000
07-3170 Supervision and Examination of Financial Institutions..... 4,059,000
99-3150 Administration and Support Services 4,272,000
Total Direct State Services Appropriation, Economic Regulation $64,013,000

Direct State Services:
Personal Services:
Salaries and Wages .....($42,720,000)
Materials and Supplies.....(392,000)
Services Other Than Personal.....(7,185,000)
Maintenance and Fixed Charges.....(671,000)

Special Purpose:
01 Rate Counsel - Insurance ..... (149,000)
06 Insurance Fraud Prosecution Services..... (12,896,000)

The unexpended balance at the end of the preceding fiscal year in the Public Adjusters' Licensing account, together with receipts from the "Public Adjusters' Licensing Act," P.L.1993, c.66 (C.17:22B-1 et seq.), are appropriated for the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of those investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There are appropriated from the assessments imposed by the New Jersey Individual Health Coverage Program Board, created pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Benefits Program Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), those sums as may be necessary to carry out the provisions of those acts, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of anticipated revenues from licensing fees, bank assessments, fines and penalties, and the unexpended balances at the end of the preceding fiscal year, not to exceed $400,000, are appropriated to the Division of Banking, subject to the approval of the Director of the Division of Budget and Accounting.

Proceeds from the sale of credits by the Pinelands Development Credit Bank pursuant to P.L.1985, c.310 (C.13:18A-30 et seq.) are appropriated to the Pinelands Development Credit Bank to administer the "Pinelands Development Credit Bank Act." The unexpended balance at the end of the preceding fiscal year in the Pinelands Development Credit Bank is appropriated to administer the operations of the bank.

In addition to the amounts hereinabove appropriated, such other sums, as the Director of the Division of Budget and Accounting shall determine, are appropriated from the assessments of the insurance industry pursuant to P.L.1995, c.156 (C.17:1C-19 et seq.) and from the assessments of the banking and consumer finance industries pursuant to P.L.2005, c.199 (C.17:1C-33 et seq.) for the purpose of implementing the requirements of those statutes.

The amount hereinabove appropriated for the Division of Insurance accounts is payable from receipts from the Special Purpose Assessment of insurance companies pursuant to section 2 of P.L.1995, c.156 (C.17:1C-20). If the Special Purpose Assessment cap calculation is less than the amount hereinabove appropriated for this purpose for the Division of Insurance, the appropriation shall be reduced to the level of funding supported by the Special Purpose Assessment cap calculation.

Department of Banking and Insurance, Total State Appropriation $64,013,000

Summary of Department of Banking and Insurance Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $64,013,000
Appropriations by Fund:
General Fund $64,013,000

16 DEPARTMENT OF CHILDREN AND FAMILIES
50 Economic Planning, Development, and Security
55 Social Services Programs
DIRECT STATE SERVICES

01-1610 Child Protection and Permanency $452,318,000
(From General Fund ..... $209,556,000)
(From Federal Funds ..... 242,350,000)
(From All Other Funds ..... 412,000)
02-1620 Children's System of Care 2,217,000
(From General Fund ..... $1,919,000)
(From Federal Funds ..... 298,000)
03-1630 Family and Community Partnerships 1,891,000
(From General Fund ..... 1,889,000)
(From Federal Funds ..... 2,000)
04-1600 Education Services 26,423,000
(From General Fund ..... 8,201,000)
(From Federal Funds ..... 1,223,000)
(From All Other Funds ..... 16,999,000)
05-1600 Child Welfare Training Academy Services and Operations 8,240,000
(From General Fund ..... 6,181,000)
(From Federal Funds ..... 2,059,000)
06-1600 Safety and Security Services 3,775,000
99-1600 Administration and Support Services 61,669,000
(From General Fund ..... 46,674,000)
(From Federal Funds ..... 14,995,000)
Total Appropriation, State Federal and All Other Funds $556,533,000
(From General Fund ..... $278,195,000)
(From Federal Funds ..... 260,927,000)
(From All Other Funds ..... 17,411,000)
Less:
Federal Funds $260,927,000
All Other Funds 17,411,000
Total Deductions $278,338,000

Total Direct State Services Appropriation, Social Services Programs $278,195,000

Direct State Services:

Personal Services:
Salaries and Wages .....($465,331,000)
Materials and Supplies..... (4,363,000)
Services Other Than Personal..... (18,307,000)
Maintenance and Fixed Charges..... (36,792,000)
Special Purpose:
01 Child Collaborative Mental Health Care Pilot Program ..... (1,200,000)
05 NJ Partnership for Public Child Welfare..... (3,500,000)
06 Safety and Security Services..... (3,775,000)
99 Information Technology ..... (1,524,000)
99 Safety and Permanency in the Courts ..... (15,545,000)
Additions, Improvements and Equipment ..... (6,196,000)
Less:
Federal Funds.....$260,927,000
All Other Funds.....17,411,000

Of the amounts hereinabove appropriated for Salaries and Wages for the Child Welfare Training Academy Services and Operations, such sums as may be necessary shall be used to train the Department of Children and Families' staff who serve children and families in the field, who have not already received training in cultural competency. The Department of Children and Families shall also offer training opportunities in cultural competency to staff of community-based organizations serving children and families under contract to the Department of Children and Families.

Of the amount hereinabove appropriated for Safety and Permanency in the Courts, an amount not to exceed $15,045,000 shall be reimbursed to the Department of Law and Public Safety and is appropriated for legal services implementing the approved child welfare settlement with the federal court, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-1610 Child Protection and Permanency $483,383,000
(From General Fund.....$433,736,000)
(From Federal Funds.....42,793,000)
(From All Other Funds.....6,854,000)
02-1610 Children's System of Care..... 503,341,000
(From General Fund.....319,974,000)
(From Federal Funds.....183,367,000)
03-1630 Family and Community Partnerships 102,398,000
(From General Fund.....63,956,000)
(From Federal Funds.....37,574,000)

(From All Other Funds ..... 868,000)
04-1600 Education Services 27,188,000
(From Federal Funds..... 912,000)
(From All Other Funds ..... $26,276,000)
99-1610 Administration and Support Services 663,000
(From Federal Funds..... 663,000)
Total Appropriation, State, Federal and All Other Funds $1,116,973,000
(From General Fund..... $817,666,000)
(From Federal Funds..... 265,309,000)
(From All Other Funds ..... 33,998,000)
Less:
Federal Funds..... $265,309,000
All Other Funds..... 33,998,000
Total Deductions..... $299,307,000
Total Grants-in-Aid Appropriation, Social Services Programs $817,666,000

Grants-in-Aid:

01 Substance Abuse Services.....($10,024,000)
01 Court Appointed Special Advocates.....(2,000,000)
01 Independent Living and Shelter Care.....(16,492,000)
01 Out-of-Home Placements.....(15,301,000)
01 Family Support Services.....(85,329,000)
01 Child Abuse Prevention.....(12,324,000)
01 Foster Care.....(97,379,000)
01 Subsidized Adoption.....(134,511,000)
01 Foster Care and Permanency Initiative.....(7,558,000)
01 New Jersey Homeless Youth Act.....(1,556,000)
01 Wynona M. Lipman Child Advocacy Center, Essex County.....(537,000)
01 Purchase of Social Services.....(62,463,000)
01 Child Health Units.....(31,516,000)
01 Restricted Federal Grants.....(6,393,000)
02 Care Management Organizations.....(74,053,000)
02 Out-of-Home Treatment Services.....(278,151,000)
02 Family Support Services.....(30,253,000)
02 Mobile Response.....(26,012,000)
02 Intensive In-Home Behavioral Assistance.....(59,425,000)
02 Youth Incentive Program.....(3,767,000)
02 Outpatient.....(14,128,000)
02 Contracted Systems Administrator.....(13,552,000)
02 State Children's Health Insurance Program Administration.....(4,000,000)
03 Early Childhood Services.....(20,496,000)
03 School Linked Services Program.....(31,253,000)

03 Family Support Services ..... (17,905,000)
03 Women's Services ..... (21,907,000)
03 Children's Trust Fund ..... (180,000)
03 Restricted Federal Grants ..... (10,612,000)
03 Project Sarah ..... (45,000)
04 Educational Program Services ..... (27,188,000)
99 National Center for Child Abuse and Neglect ..... (663,000)
Less:
Federal Funds $265,309,000
All Other Funds 33,998,000

Department of Children and Families, Total State Appropriation $1,095,861,000

Summary of Department of Children and Families Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $278,195,000
Grants-in-Aid $817,666,000
Appropriations by Fund:
General Fund $1,095,861,000

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22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
DIRECT STATE SERVICES

01-8010 Housing Code Enforcement $8,242,000
02-8020 Housing Services 3,086,000
06-8015 Uniform Construction Code 12,159,000
13-8027 Codes and Standards 399,000
18-8017 Uniform Fire Code 7,386,000
Total Direct State Services Appropriation, Community Development Management $31,272,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($26,796,000)
Employee Benefits ..... (321,000)
Materials and Supplies ..... (86,000)
Services Other Than Personal ..... (563,000)
Maintenance and Fixed Charges ..... (102,000)
Special Purpose:
02 Affordable Housing ..... (1,733,000)

02 Local Planning Services.....(1,296,000)
18 Local Fire Fighters' Training.....(375,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the additional fee established by section 10 of P.L.2003, c.311 (C.52:27D-437.10) are appropriated to the Housing Code Enforcement program classification for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Uniform Construction Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in "The Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.) fees account, together with any receipts in excess of the amount anticipated, is appropriated for code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of $0.0006, and to surcharges on other construction, shall be dedicated to the general support of the Uniform Construction Code program and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), shall be available for training and non-training purposes. Notwithstanding the provisions of any law or regulation to the contrary, unexpended balances at the end of the preceding fiscal year in the Uniform Construction Code Revolving Fund are appropriated for expenses of code enforcement activities.

Such amounts as may be required for the registration of builders and reviewing and paying claims under "The New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the New Home Warranty Security Fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, to-

gether with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from fees associated with the Fire Protection Contractor's Certification program pursuant to P.L.2001, c.289 (C.52:27D-25n et seq.), are appropriated to the Department of Community Affairs Division of Fire Safety, in such amounts as are necessary to operate the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Fire Safety may transfer within its own division between a Direct State Services appropriations account and a Grants-In-Aid appropriations account, such amounts as are necessary for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Local Planning Services and Affordable Housing accounts shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). Any receipts in excess of the amount anticipated, and any unexpended balance at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Housing and Community Resources may transfer between the Affordable Housing State Aid appropriations account, the Local Planning Services Direct State Services appropriations account and the Affordable Housing Direct State Services appropriations account, such amounts as are necessary, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide written notice of such a transfer to the Joint Budget Oversight Committee within 10 working days of making such a transfer.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the Commissioner of Community Affairs shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and notwithstanding the provisions of P.L.1983, c.530 (C.55:14K-1 et seq.) to the contrary, moneys held in the Boarding House Rental Assistance Fund that were originally appropriated from the General Fund may be used by the Commissioner for the purpose of providing life safety improvement loans, and any moneys held in the Boarding House Rental Assistance Fund may be used for the purpose of providing rental assistance for repayment of such loans. Notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.), the Commissioner shall have authority to disburse funds from the Boarding House Rental Assistance Fund established

pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) for the purpose of repaying, through rental assistance or otherwise, loans made to the boarding house owners for the purpose of rehabilitating boarding houses.

The unexpended balance at the end of the preceding fiscal year in the Truth-in-Renting account, and receipts from the sale of Truth-in-Renting statements, including fees, fines, and penalties, are appropriated for the Truth-in-Renting program, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Petroleum Overcharge Reimbursement Fund the amount of $300,000 for the expenses of the Green Homes Office, subject to the approval of the Director of the Division of Budget and Accounting.

Any receipts from the Boarding Home Regulation and Assistance program, including fees, fines, and penalties, are appropriated for the Boarding Home Regulation and Assistance program.

Notwithstanding the provisions of any law or regulation to the contrary, receipts appropriated from the Department of Community Affairs' code enforcement activities in excess of the amount anticipated and in excess of the amounts required to support the code enforcement activity for which they were collected may be transferred as necessary to cover shortfalls in other Department of Community Affairs' code enforcement accounts, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-8010	Housing Code Enforcement	$919,000
02-8020	Housing Services	25,160,000
18-8017	Uniform Fire Code	8,571,000
20-8035	New Jersey Meadowlands Commission	7,318,000
	Total Grants-in-Aid Appropriation, Community Development Management	$41,968,000

Grants-in-Aid:

01	Cooperative Housing Inspection	($919,000)
02	Shelter Assistance	(2,300,000)
02	Prevention of Homelessness	(4,360,000)
02	State Rental Assistance Program	(18,500,000)
18	Uniform Fire Code - Local Enforcement Agency Rebates	(8,425,000)
18	Uniform Fire Code - Continuing Education	(146,000)
20	Meadowlands Adjustment Payments Aid	(7,318,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of

the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amount hereinabove appropriated for the State Rental Assistance Program (SRAP), an amount not less than $20,000,000 is appropriated from the New Jersey Affordable Housing Trust Fund to SRAP for the purposes of subsections a. and c. of section 1 of P.L.2004, c.140 (C.52:27D-287.1).

The unexpended balance at the end of the preceding fiscal year in the State Rental Assistance Program account is appropriated for the expenses of the State Rental Assistance Program.

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as may be received from the New Jersey Housing and Mortgage Finance Agency for the State Rental Assistance Program are appropriated to the Department of Community Affairs for the purposes of providing rental assistance.

The amount hereinabove appropriated for the Shelter Assistance program, the Prevention of Homelessness program, and the State Rental Assistance Program shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Upon determination by the Commissioner of Community Affairs that all eligible shelter assistance projects have received funding from the amount appropriated for Shelter Assistance from receipts of the portions of the realty transfer fee dedicated to the New Jersey Affordable Housing Trust Fund, any available balance in the Shelter Assistance account may be transferred to the Affordable Housing account, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from repayment of loans from the Downtown Business Improvement Loan Fund, together with the unexpended balance at the end of the preceding

fiscal year of such loan fund and any interest thereon, are appropriated for the purposes of P.L.1998, c.115 (C.40:56-71.1 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, Revolving Housing Development and Demonstration Grant funds are appropriated to support loans and grants to non-profit entities for the purpose of economic development and historic preservation.

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as are necessary shall be available from the Prevention of Homelessness Grants-In-Aid appropriation for program administrative expenses, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Meadowlands Adjustment Payments Aid shall be paid in two equal installments on August 15, 2014 and November 15, 2014 to the New Jersey Meadowlands Commission for deposit in the intermunicipal account established pursuant to section 64 of P.L.1968, c.404 (C.13:17-66) and shall be credited to the amount payable by each constituent municipality to that account for adjustment year 2014, in proportion to the amount certified by the commission for payment pursuant to subsection (a) of section 72 of P.L.1968, c.404 (C.13:17-74). To the extent that the amount paid to the intermunicipal account by any constituent municipality for adjustment year 2014 exceeds the amount required after application of credits pursuant to this provision, the commission shall refund the amount of overpayment.

STATE AID

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as may be required to fund relocation costs of boarding home residents are appropriated from the Boarding House Rental Assistance Fund.

The unexpended balance at the end of the preceding fiscal year in the Relocation Assistance account, not to exceed $250,000, is appropriated for the expenses of the Relocation Assistance program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Affordable Housing program, an amount not to exceed $400,000 may be used for matching, on a 50/50 basis, for the federal share of the administrative costs of the federal Community Development Block Grant.

Of the amount hereinabove appropriated for the New Jersey Affordable Housing Trust Fund, such amounts as are necessary may be pledged as a match for the HOME Investment Partnership Program to ensure adherence to the federal matching requirements for affordable housing production.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Affordable Housing program may be used to provide technical assistance grants to non-profit housing organizations and authorities for creating and supporting affordable housing and community development opportunities.

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated for the Affordable Housing program may be provided directly to the housing project being assisted; provided, however, that any such project has the support by resolution of the governing body of the municipality in which it is located.

50 Economic Planning, Development, and Security
55 Social Services Programs
DIRECT STATE SERVICES

05-8050 Community Resources $100,000
Total Direct State Services Appropriation, Social Services Programs $100,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($76,000)
Services Other Than Personal ..... (24,000)

Additional funds as may be allocated by the federal government for New Jersey's Low Income Home Energy Assistance Block Grant Program (LIHEAP) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

05-8050 Community Resources $990,000
Total Grants-in-Aid Appropriation, Social Services Programs $990,000

Grants-in-Aid:

05 Recreation for the Handicapped ..... ($585,000)
05 Special Olympics ..... (405,000)

Notwithstanding the provisions of P.L.2003, c.311 (C.52:27D-437.1 et seq.), or any law or regulation to the contrary, the amount hereinabove appropriated for the Lead Hazard Control Assistance Fund is payable from receipts of the portion of the sales tax directed to be credited to the Lead Hazard Control Assistance Fund pursuant to section 11 of P.L.2003, c.311 (C.52:27D-437.11), and there is further appropriated from such receipts an amount not to exceed $8,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such amounts as are necessary are appropriated from the Lead Hazard Control Assistance Fund for administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Special Olympics program, an amount not to exceed $75,000 may be allocated for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management, and Control
75 State Subsidies and Financial Aid
DIRECT STATE SERVICES

04-8030 Local Government Services $4,262,000
Total Direct State Services Appropriation, State Subsidies and Financial Aid $4,262,000

Direct State Services:

Personal Services:
Local Finance Board Members .....($84,000)
Salaries and Wages .....(3,896,000)
Materials and Supplies.....(40,000)
Services Other Than Personal.....(227,000)
Maintenance and Fixed Charges.....(15,000)

Receipts received by the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

04-8030 Local Government Services $717,935,000
(From General Fund..... $1,600,000)
(From Property Tax Relief Fund..... 716,335,000)
Total State Aid Appropriation, State Subsidies and Financial Aid $717,935,000
(From General Fund..... $1,600,000)
(From Property Tax Relief Fund..... 716,335,000)

State Aid:

04 Consolidated Municipal Property Tax Relief Aid (PTRF).....($575,852,000)
04 County Prosecutors and Officials Salary Increase (P.L.2007, c.350).....(1,600,000)
04 County Prosecutor Funding Initiative Pilot Program (PTRF).....(4,000,000)
04 Consolidation Implementation (PTRF).....(8,500,000)
04 Transitional Aid to Localities (PTRF) .....(121,500,000)
04 Open Space Payments in Lieu of Taxes (PTRF).....(6,483,000)

The amount hereinabove appropriated for the County Prosecutor Funding Initiative Pilot Program shall be distributed as follows: Camden County, $895,000; Essex County, $1,811,000; Hudson County, $802,500; and Mercer County, $491,500.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidation Implementation shall be allocated to provide reimbursement to local government units that consolidate pursuant to any law, including but not limited to P.L.2007, c.63 (C.40A:65-1 et seq.) and P.L.2009, c.118 (C.54:1-86, et seq.), or to a municipality that is wholly annexed by another municipality pursuant to N.J.S.40A:7-1 et seq., for non-

recurring costs that the Director of the Division of Local Government Services, or in the case of a school district consolidation the Commissioner of Education, determines to be necessary to implement such consolidation or annexation, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that in addition to the amounts hereinabove appropriated, there are appropriated such additional sums as are determined to be necessary for reimbursement of non-recurring costs associated with local government unit consolidations, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Transitional Aid to Localities shall be allocated to provide short-term financial assistance where needed to help a municipality which is in serious fiscal distress meet immediate budgetary needs and regain financial stability. A municipality shall be deemed to be eligible for transitional aid if it is identified by the Director of the Division of Local Government Services (Director) as experiencing serious fiscal distress where the Director determines that, despite local officials having implemented substantive cost reduction strategies, there continue to exist conditions of serious fiscal distress, which may include but shall not be limited to: substantial structural or accumulated deficits; ongoing reliance on non-recurring revenues; limited ability to raise supplemental non-property tax revenues; extraordinary demands for public safety appropriations; and other factors indicating a constrained ability to raise sufficient revenues to meet budgetary requirements that substantially jeopardizes the fiscal integrity of the municipality. Municipalities seeking transitional aid shall file an application on a form prescribed by the Director, which application, among other things, shall set forth the minimum criteria that must be met in order for an application to be considered by the Director for a determination of eligibility. The Director shall determine whether a municipality which files an application meeting such minimum criteria is in serious fiscal distress, and, if so, what amount of transitional aid should be provided to address the municipality's serious fiscal distress. The transitional aid shall be provided to the municipality subject to the provisions of subsection a. of section 1 of P.L.2011, c. 144 (C.52:27D-118.42a); provided, however, that an amount of Transitional Aid to Localities as determined by the Director of the Division of Local Government Services for a municipality may be deemed to constitute Consolidated Municipal Property Tax Relief Aid in an amount not in excess of the amount of Transitional Aid to Localities such municipality received in the previous fiscal year and shall not reduce the amount of Consolidated Municipal Property Tax Relief Aid such municipality shall receive for the current fiscal year. Provided, however, if the Director of the Division of Local Government Services deems an amount of Transitional Aid to Localities for a municipality as constituting Consolidated Municipal Property Tax Relief Aid pursuant to this provision, that municipality is not relieved from compliance with the requirements for transitional aid.

The amount hereinabove appropriated for Transitional Aid to Localities is subject to the following condition: notwithstanding the provisions of R.S.43:21-14, or any other law or regulation to the contrary, the Commissioner of Labor and Workforce Development, in consultation with the Commissioner of Community Affairs, is authorized to enter into individualized payment plan agreements with municipalities that receive Transitional Aid for the reimbursement of unemployment benefits paid to former employees of such municipal government units, at reasonable interest rates based on current market conditions, and on such other terms and conditions as may be determined to be appropriate by the Commissioner of Labor and Workforce Development. Any municipality that enters into an individualized payment plan agreement pursuant to this section shall be required to expend all funds budgeted for this activity remaining as of the last day of its budget year for the repayment of outstanding obligations under the plan.

Of the amount hereinabove appropriated for Transitional Aid to Localities, an amount may be allocated by the Director of the Division of Local Government Services to provide short-term financial assistance to a local government unit that is determined by the Director to be experiencing financial distress caused by the destruction or loss of a major local business ratable. For purposes of this paragraph, a "major local business ratable" means one or more related parcels of property owned by a single business entity, classified as commercial or industrial, which comprised the largest assessed valuation of any one or more line items of taxable property in a municipality, or generated an annual PILOT payment in excess of 10% of the total municipal levy, or is otherwise determined by the Director to be of such significance to a municipality that its destruction or loss has resulted in financial distress; provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Local Government Services may direct that part of any such allocation be paid to an affected school district or county, or to both, in the same manner as if the award of Transitional Aid were raised as revenue from the municipal tax levy; and provided further that a local government unit determined to be experiencing financial distress because of the loss or destruction of a major local business ratable shall not be required to be subject to any additional conditions, requirements, orders, or other operational efficiency or oversight measures authorized pursuant to P.L.2011, c.144, except as determined to be appropriate by the Director of the Division of Local Government Services.

Notwithstanding the provisions of any law or regulation to the contrary, any qualified municipality, as defined in section 1 of P.L.1978, c.14 (C.52:27D-178) for the previous fiscal year, shall continue to be a qualified municipality thereunder during the current fiscal year.

The amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due;

December 1 for municipalities operating under a calendar fiscal year, 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due.

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts received from the appropriation to the Consolidated Municipal Property Tax Relief Aid program and received from amounts transferred from Consolidated Municipal Property Tax Relief Aid to the Energy Tax Receipts Property Tax Relief Fund account, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67, less an amount proportional to reductions in the combined total amount received by the municipality from Consolidated Municipal Property Tax Relief Aid and from the Energy Tax Receipts Property Tax Relief Fund since fiscal year 2008.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities that received funding pursuant to the previous fiscal year's annual appropriations act, provided further, however, that from the amount hereinabove appropriated there are transferred to the Energy Tax Receipts Property Tax Relief Fund account such sums as were determined for fiscal year 2003, fiscal year 2006, fiscal year 2007, fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2012, fiscal year 2013, fiscal year 2014, and fiscal year 2015 pursuant to subsection e. of section 2 of P.L.1997, c.167 (C.52:27D-439), as amended by P.L.1999, c.168; and except that the amount of Consolidated Municipal Property Tax Relief Aid received by a municipality shall be increased by such amounts of Transitional Aid to Localities deemed to constitute Consolidated Municipal Property Tax Relief Aid by the Director of the Division of Local Government Services in the previous fiscal year.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Local Government Services shall take such actions as may be necessary to ensure that proportional amounts of the Consolidated Municipal Property Tax Relief Aid and the amounts transferred from Consolidated Municipal Property Tax Relief Aid to the Energy Tax Receipts Property Tax Relief Fund account appropriated to offset losses from business personal property tax that would have otherwise been used for the support of public schools will be used to reduce the school property tax levy for those affected school districts with the remaining State Aid used as municipal property tax relief. The chief financial officer of the municipality shall pay to the school districts such amounts as may be due by December 31.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the final 5% or $500, whichever is greater, of the total annual amount due for the current fiscal year from Consolidated Municipal Property Tax Relief Aid to municipalities is subject to the following condition: the municipality shall sub-

mit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services and shall receive at least a minimum score on such inventory as determined by the Director of the Division of Local Government Services; provided, however, that the Director may take into account the particular circumstances of a municipality in computing such score. In preparing the Best Practices Inventory, the Director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the final 5% or $500, whichever is greater, of the total annual amount due for the current fiscal year, but in no event shall amounts be withheld with respect to municipal practices occurring prior to the issuance of the Best Practices Inventory unless related to a municipal practice identified in the Best Practices Inventory established in the previous fiscal year.

The Director of the Division of Local Government Services may permit any municipality that received Regional Efficiency Aid Program funds pursuant to the annual appropriations act for fiscal year 2010, P.L.2009, c.68, to use a portion of Consolidated Municipal Property Tax Relief Aid to provide Regional Efficiency Aid Program benefits pursuant to P.L.1999, c.61 (C.54:4-8.76 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, payments to municipalities in lieu of taxes for lands acquired by the State and non-profit organizations for recreation and conservation purposes shall be provided only to municipalities whose payments received in fiscal year 2010 exceeded $5,000 and shall be provided at two-thirds of the payment amount provided in fiscal year 2010.

Notwithstanding the provisions of subsection d. of section 29 of P.L.1999, c.152 (C.13:8C-29) or subsection d. of section 30 of P.L.1999, c.152 (C.13:8C-30), or any law or regulation to the contrary, all payments to municipalities in lieu of taxes for lands acquired by the State and non-profit organizations for recreation and conservation purposes shall be retained by the municipality and not apportioned in the same manner as the general tax rate of the municipality.

Notwithstanding the provisions of any law or regulation to the contrary, whenever funds appropriated as State Aid and payable to any municipality, which municipality requests and receives the approval of the Local Finance Board, such funds may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to section 11 of P.L.2003, c.15 (C.40A:2-8.1) and any tax anticipation notes issued pursuant to N.J.S.40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the Director, notwithstanding that

payment of such funds does not coincide with any date for payment otherwise fixed by law.

The State Treasurer, in consultation with the Commissioner of Community Affairs, is empowered to direct the Director of the Division of Budget and Accounting to transfer appropriations from any State department to any other State department as may be necessary to provide a loan for a term not to exceed 180 days to a municipality faced with a fiscal crisis, including but not limited to a potential default on tax anticipation notes. Extension of the term of the loan shall be conditioned on the municipality being an "eligible municipality" pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Notwithstanding the provisions of N.J.S.40A:4-39 or any other law or regulation to the contrary, a county that assumes responsibility for the provision of local police services in one or more municipalities utilizing a new or expanded county police force may display the anticipated revenues and appropriations associated with such county police force in its annual budget by annexing to that budget a statement describing the sources and amounts of anticipated dedicated revenues and appropriating those dedicated amounts for the purposes of the county police force.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Transitional Aid to Localities is subject to the following condition: a municipality that has not yet applied for Transitional Aid for 2015 as of the effective date of this act may file an application on the appropriate forms prescribed by the Director of the Division of Local Government Services and such application shall be considered by the Director for a determination of eligibility for Transitional Aid for the current fiscal year.

70 Government Direction, Management, and Control
76 Management and Administration
DIRECT STATE SERVICES

49-8049 Historic Trust	$636,000
99-8070 Administration and Support Services	2,791,000
Total Direct State Services Appropriation, Management and Administration	$3,427,000

Direct State Services:

Personal Services:	
Salaries and Wages	($2,081,000)
Materials and Supplies	(8,000)
Services Other Than Personal	(74,000)
Maintenance and Fixed Charges	(16,000)
Special Purpose:	
49 Historic Trust/Open Space Administrative Costs	(636,000)
99 Government Records Council	(612,000)

The amount hereinabove appropriated for the Historic Trust/Open Space Administrative Costs program is appropriated for all administrative costs and expenses

pursuant to the "New Jersey Cultural Trust Act," P.L.2000, c.76 (C.52:16A-72 et seq.); the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.); the "Historic Preservation Revolving Loan Fund," P.L.1991, c.41 (C.13:1B-15.115a et seq.); the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88; the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204; the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119; and the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Historic Trust/Open Space Administrative Costs account is transferred from the Garden State Historic Preservation Trust Fund, the 2007 Historic Preservation Fund, and the 2009 Historic Preservation Fund to the General Fund and is appropriated to the Department of Community Affairs for Historic Trust/Open Space Administrative Costs, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Community Affairs, Total State Appropriation $799,954,000

All moneys comprising original bond proceeds or the repayment of loans or advances from the Mortgage Assistance Fund established under the "New Jersey Mortgage Assistance Bond Act of 1976," P.L.1976, c.94, are appropriated in accordance with the purposes set forth in section 5 of that act.

Notwithstanding the provisions of any law or regulation to the contrary, deposits of any funds into the Revolving Housing Development and Demonstration Grant Fund are subject to prior approval of the Director of the Division of Budget and Accounting.

Summary of Department of Community Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$39,061,000
Grants-in-Aid	42,958,000
State Aid	717,935,000
Appropriations by Fund:	
General Fund	$83,619,000
Property Tax Relief Fund	716,335,000

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
DIRECT STATE SERVICES

07-7040 Institutional Control and Supervision $472,288,000
08-7040 Institutional Care and Treatment 241,914,000
99-7040 Administration and Support Services 76,681,000
Total Direct State Services Appropriation, Detention and Rehabilitation $790,883,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($523,043,000)
Food In Lieu of Cash ..... (2,459,000)
Materials and Supplies ..... (58,920,000)
Services Other Than Personal ..... (155,534,000)
Maintenance and Fixed Charges ..... (13,481,000)
Special Purpose:
07 Civilly Committed Sexual Offender Program ..... (28,348,000)
Additions, Improvements and Equipment ..... (9,098,000)

The unexpended balances at the end of the preceding fiscal year in the Civilly Committed Sexual Offender Program account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the Upholstery Program at the Albert C. Wagner Youth Correctional Facility, and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program with surplus funds being credited to the institution's Inmate Welfare Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated in the Detention and Rehabilitation various institutional accounts, an amount may be transferred to the Purchase of Community Services account or to other programs that reduce the number of inmates housed in State facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for payment of inmate health care are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, amounts collected by the Department of Corrections as commissions in connection with the provision of services for inmates at inmate kiosks, including automated banking, video visitation, electronic mail, and related services, and any unexpended balance at the end of the preceding fiscal year in that account are appropriated to offset departmental costs associated with the provision of such services, subject to the approval of the Director of the Division of Budget and Accounting.

7025 System-Wide Program Support

DIRECT STATE SERVICES

07-7025 Institutional Control and Supervision $33,057,000
13-7025 Institutional Program Support 37,681,000
Total Direct State Services Appropriation, System-Wide Program Support $70,738,000

Direct State Services:

Personal Services:
Salaries and Wages .....($44,157,000)
Materials and Supplies.....(1,169,000)
Services Other Than Personal.....(13,478,000)
Special Purpose:
13 Integrated Information Systems .....(8,100,000)
13 Offender Re-entry Program .....(1,000,000)
13 Mutual Agreement Program .....(1,162,000)
13 DOC/DOT Work Details .....(537,000)
Additions, Improvements and Equipment .....(1,135,000)

GRANTS-IN-AID

13-7025 Institutional Program Support $68,759,000
Total Grants-in-Aid Appropriation, System-Wide Program Support $68,759,000

Grants-in-Aid:

13 Purchase of Service for Inmates Incarcerated In County Penal Facilities.....($2,720,000)
13 Purchase of Service for Inmates Incarcerated In Out-Of-State Facilities .....(80,000)
13 Purchase of Community Services .....(65,959,000)

Of the amount hereinabove appropriated for Purchase of Service for Inmates Incarcerated in County Penal Facilities, an amount may be transferred for operational costs of State facilities for inmate housing, which become ready for occupancy and other programs which reduce the number of State inmates in county facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Purchase of Community Services shall be subject to the following condition: in order to permit flexibility and efficiency in the housing of State inmates, the operational capacity of the Residential Community Release Program, as a place of confinement, shall be determined by the Commissioner of Corrections as authorized by section 2 of P.L.1969, c.22

(C.30:4-91.2), subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Purchase of Community Services is conditioned upon the following: the Commissioner of Corrections shall report to the Presiding Officers of the Legislature in accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1) on the operation of each Community Based Residential Placement. The report shall include, but not be limited to, the following: (a) the total reimbursement provided, (b) the rate of reimbursement received per client, (c) the number of clients for which reimbursement was received, (d) the number of clients imprisoned for violent crimes and the total number of days such clients were imprisoned, (e) the number of clients imprisoned for non-violent crimes and the total number of days such clients were imprisoned, (f) the number of escapes by clients imprisoned for violent crimes and the number of escapes by clients imprisoned for non-violent crimes, and (g) the number of incidents involving physical violence documented.

STATE AID

13-7025 Institutional Program Support $22,500,000
(From Property Tax Relief Fund..... $22,500,000)
Total State Aid Appropriation, System-Wide
Program Support..... $22,500,000
(From Property Tax Relief Fund..... $22,500,000)

State Aid:

13 Essex County - County Jail Substance Abuse Programs (PTRF) ..... ($20,000,000)
13 Union County Inmate Rehabilitation Services (PTRF)..... (2,500,000)

10 Public Safety and Criminal Justice
17 Parole
DIRECT STATE SERVICES

03-7010 Parole..... $44,684,000
05-7280 State Parole Board..... 13,880,000
99-7280 Administration and Support Services..... 4,041,000
Total Direct State Services Appropriation, Parole $62,605,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($39,521,000)
Materials and Supplies..... (535,000)
Services Other Than Personal..... (2,010,000)
Maintenance and Fixed Charges..... (1,030,000)
Special Purpose:
03 Parolee Electronic Monitoring Program ..... (4,073,000)

03 Supervision, Surveillance, and Gang Suppression Program .....(1,481,000)
03 Sex Offender Management Unit .....(11,349,000)
03 Satellite-based Monitoring of Sex Offenders.....(2,556,000)
Additions, Improvements and Equipment .....(50,000)

GRANTS-IN-AID

03-7010 Parole..... $36,082,000
Total Grants-in-Aid Appropriation, Parole..... $36,082,000

Grants-in-Aid:

03 Re-Entry Substance Abuse Program.....($7,889,000)
03 Mutual Agreement Program (MAP) .....(4,618,000)
03 Community Resource Center Program (CRC).....(11,581,000)
03 Stages to Enhance Parolee Success Program (STEPS).....(11,994,000)

Any change by the Division of Parole in the per diem rates affecting Special Caseload accounts shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the New Jersey State Parole Board is authorized to expend the amounts appropriated for Re-Entry Substance Abuse Program, Stages to Enhance Parolee Success Program (STEPS), Mutual Agreement Program (MAP), and Community Resource Center Program (CRC) to provide services to ex-offenders who are age 18 or older and under juvenile or adult parole supervision, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Mutual Agreement Program (MAP), the amount of $175,000 shall be transferred to the Department of Human Services, Division of Mental Health and Addiction Services for the reimbursement of salaries and to fund other related administrative costs for the Mutual Agreement Program (MAP), subject to the approval of the Director of the Division of Budget and Accounting.

To permit flexibility and ensure the appropriate levels of services are provided, appropriated amounts may be transferred between the following accounts: Re-Entry Substance Abuse Program, Mutual Agreement Program (MAP), Community Resource Center Program (CRC), and Stages to Enhance Parolee Success Program (STEPS), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Community Resource Center Program (CRC), an amount not to exceed $3,000,000 may be transferred to the Department of Labor and Workforce Development, Employment and Training Services Program, for parolee employment services from contracted providers, subject to the approval of the Director of the Division of Budget and Accounting.

10 Public Safety and Criminal Justice
19 Central Planning, Direction and Management
DIRECT STATE SERVICES

99-7000 Administration and Support Services $18,359,000
Total Direct State Services Appropriation, Central Planning, Direction and Management $18,359,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($14,435,000)
Materials and Supplies ..... (583,000)
Services Other Than Personal ..... (539,000)
Maintenance and Fixed Charges ..... (676,000)
Additions, Improvements and Equipment ..... (2,126,000)

Receipts derived from the Culinary Arts Vocational Program, and any unexpended balance at the end of the preceding fiscal year in that account, are appropriated for the operation of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Corrections, Total State Appropriation $1,069,926,000

The unexpended balance at the end of the preceding fiscal year of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the benefit of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under section 4 of P.L.1969, c.22 (C.30:4-91.4 et seq.).

Summary of Department of Corrections Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $942,585,000
Grants-in-Aid $104,841,000
State Aid $22,500,000
Appropriations by Fund:
General Fund $1,047,426,000
Property Tax Relief Fund $22,500,000

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34 DEPARTMENT OF EDUCATION
30 Educational, Cultural, and Intellectual Development
31 Direct Educational Services and Assistance
DIRECT STATE SERVICES

36-5120 Student Transportation $428,000
38-5120 Facilities Planning and School Building Act 1,672,000

42-5120 School Finance 3,257,000
Total Direct State Services Appropriation, Direct Educational Services and Assistance..... $5,357,000

Direct State Services:

Personal Services:
Salaries and Wages .....($4,999,000)
Materials and Supplies.....(69,000)
Services Other Than Personal.....(264,000)
Maintenance and Fixed Charges .....(25,000)

GRANTS-IN-AID

03-5120 Miscellaneous Grants-In-Aid $30,000
Total Grants-in-Aid Appropriation, Direct Educational Services and Assistance..... $30,000

Grants-in-Aid:

03 Community Relations Committee of the United Jewish Federation of Metrowest .....($30,000)

STATE AID

01-5120 General Formula Aid..... $7,666,407,000
(From General Fund..... $605,711,000)
(From Property Tax Relief Fund..... 7,060,696,000)
02-5120 Nonpublic School Aid 89,103,000
03-5120 Miscellaneous Grants-In-Aid 49,700,000
(From Property Tax Relief Fund..... 49,700,000)
07-5120 Special Education 928,304,000
(From General Fund..... 3,978,000)
(From Property Tax Relief Fund..... 924,326,000)
36-5120 Student Transportation 186,859,000
(From Property Tax Relief Fund..... 186,859,000)
38-5120 Facilities Planning and School Building Aid..... 633,533,000
(From General Fund..... 50,000,000)
(From Property Tax Relief Fund..... 583,533,000)
Total State Aid Appropriation, Direct Educational Services and Assistance..... $9,553,906,000
(From General Fund..... $748,792,000)
(From Property Tax Relief Fund..... 8,805,114,000)

Less:

Assessment of EDA Debt Service.....$26,529,000
Growth Savings - Payment Changes 3,437,000
Total Deductions..... $29,966,000

Total State Aid Appropriation, Direct Educational Services and Assistance..... $9,523,940,000
(From General Fund..... $748,792,000)

(From Property Tax Relief Fund.....8,775,148,000)

State Aid:

01	Equalization Aid	($605,711,000)
01	Equalization Aid (PTRF)	(5,464,293,000)
01	Supplemental Enrollment Growth Aid (PTRF)	(4,141,000)
01	Per Pupil Growth Aid (PTRF)	(13,460,000)
01	PARCC Readiness (PTRF)	(13,460,000)
01	Educational Adequacy Aid (PTRF)	(82,397,000)
01	Security Aid (PTRF)	(195,491,000)
01	Adjustment Aid (PTRF)	(568,602,000)
01	Preschool Education Aid (PTRF)	(652,843,000)
01	Under Adequacy Aid (PTRF)	(16,763,000)
01	School Choice (PTRF)	(49,246,000)
02	Nonpublic Textbook Aid	(7,993,000)
02	Nonpublic Handicapped Aid	(27,240,000)
02	Nonpublic Auxiliary Services Aid	(31,649,000)
02	Nonpublic Auxiliary/Handicapped Transportation Aid	(2,469,000)
02	Nonpublic Nursing Services Aid	(14,311,000)
02	Nonpublic Technology Initiative	(5,441,000)
03	Charter School Aid (PTRF)	(12,000,000)
03	Bridge Loan Interest and Approved Borrowing Cost (PTRF)	(200,000)
03	Payments for Institutionalized Children - Unknown District of Residence (PTRF)	(37,500,000)
07	Special Education Categorical Aid (PTRF)	(763,304,000)
07	Extraordinary Special Education Costs Aid	(3,978,000)
07	Extraordinary Special Education Costs Aid (PTRF)	(161,022,000)
36	Transportation Aid (PTRF)	(186,859,000)
38	School Building Aid (PTRF)	(55,974,000)
38	School Construction Debt Service Aid (PTRF)	(57,757,000)
38	School Construction & Renovation Fund	(50,000,000)
38	School Construction & Renovation Fund (PTRF)	(469,802,000)

Less:

Deductions.....29,966,000

Of the amount hereinabove appropriated for Equalization Aid, an amount equal to the total earnings of investments of the Fund for the Support of Free Public Schools first shall be charged to such fund.

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2014-2015 allocation of the amounts hereinabove appropriated for Equalization Aid shall be as set forth in the February 25, 2014 State Aid notice issued by the Commissioner of Education.

Receipts from nonpublic schools handicapped and auxiliary recoveries are appropriated for the payment of additional aid in accordance with section 17 of P.L.1977, c.192 (C.18A:46A-14) and section 14 of P.L.1977, c.193 (C.18A:46-19.8).

Notwithstanding the provisions of section 14 of P.L.1977, c.193 (C.18A:46-19.8), for the purpose of computing Nonpublic Handicapped Aid for pupils requiring the following services, the per pupil amounts for the 2014-2015 school year shall be: $1,326.17 for an initial evaluation or reevaluation for examination and classification; $380 for an annual review for examination and classification; $930 for speech correction; and $826 for supplementary instruction services, provided, however, that the commissioner may adjust the per pupil amounts based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1977, c.192 (C.18A:46A-9), the per pupil amount for compensatory education for the 2014-2015 school year for the purposes of computing Nonpublic Auxiliary Services Aid shall equal $995.33 and the per pupil amount for providing the equivalent service to children of limited English-speaking ability shall be $1,015, provided, however, that the commissioner may adjust the per pupil amounts based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1991, c.226 (C.18A:40-31), the amount hereinabove appropriated for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16, 2013.

Items purchased for the use of nonpublic school students with Nonpublic Technology Initiative funds in previous budget cycles shall remain the property of the local education agency; provided, however, that they shall remain on permanent loan for the use of nonpublic school students for the balance of the technologies' useful life.

Notwithstanding the provisions of any law or regulation to the contrary, Nonpublic Technology Initiative Aid shall be paid to school districts and allocated for nonpublic school pupils at the rate of $32 per pupil in a manner that is consistent with the provisions of the federal and State constitutions.

Of the amounts hereinabove appropriated for Nonpublic School Aid, such amounts as determined by the commissioner may be transferred between such accounts to address changes in enrollments and services, following notice to the Joint Budget Oversight Committee and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated to the Emergency Fund account such additional sums as may be required, not to exceed $650,000, to fund approved applications for emergency aid in accordance with the provisions of N.J.S.18A:58-11, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums received in the "School District Deficit Relief Account," established pursuant to section 5 of P.L.2006, c.15 (C.18A:7A-58), including loan repay-

ments, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.), there is appropriated from the Drug Abuse Education Fund, the sum of $50,000, to be used for the NJSIAA Steroid Testing program.

The amount hereinabove appropriated for Extraordinary Special Education Costs Aid shall be charged first to receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1) credited to the Extraordinary Aid Account. Notwithstanding the provisions of that law to the contrary, the amount appropriated for Extraordinary Special Education Costs Aid from receipts deposited into the Extraordinary Aid Account shall not exceed the amount hereinabove appropriated. Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Extraordinary Special Education Costs Aid, such sums as the Director of the Division of Budget and Accounting may determine shall be charged first to the Property Tax Relief Fund instead of receipts deposited into the Extraordinary Aid Account.

In addition to the amount hereinabove appropriated for the School Construction and Renovation Fund account to make payments under the contracts authorized pursuant to section 18 of P.L.2000, c.72 (C.18A:7G-18), there are appropriated such other amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the School Construction and Renovation Fund account is appropriated for the same purpose.

Subject to the availability of federal funds, the Commissioner of Education shall enter into a contract with a nonprofit entity, having the largest library of audio textbooks, for the provision of products and services to public schools to assist students who are unable to use standard text due to a learning disability, visual impairment, or a physical disability. The products and services to be provided may include, but need not be limited to, accessible, human-narrated audiobooks that are available through both mainstream and specialized devices, software capable of recording and reporting data for instructional purposes, and professional development opportunities for instructional and support staff. Upon the certification of the Director of the Division of Budget and Accounting of the availability of federal funds for the performance of the terms of such contract for the 2014-2015 school year, there is appropriated an amount of federal funds not to exceed $1,500,000 subject to the approval of the director.

Notwithstanding the provisions of any law or regulation to the contrary, the allocation of the amount hereinabove appropriated for Equalization Aid to an "SDA district" shall be reduced by the amount of proceeds received by the district from the sale of district surplus property, which shall be appropriated by the district for regular education operations. Surplus property means that property which is not being replaced by other property under a grant agreement with the New Jersey Schools Development Authority.

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2014-2015 allocation of the amounts hereinabove appropriated for Equalization Aid, Educational Adequacy Aid, Adjustment Aid, Preschool Education Aid, School Choice Aid, Security Aid, Special Education Categorical Aid, Supplemental Enrollment Growth Aid, Transportation Aid, and Under Adequacy Aid shall be as set forth in the February 25, 2014 State Aid notice issued by the Commissioner of Education, as amended subject to the provisions herein.

Notwithstanding the provisions of any other law or regulation to the contrary, the amount hereinabove appropriated for PARCC Readiness shall be allocated to school districts at the rate of $10 per pupil multiplied by the district's projected enrollment as set forth in the February 25, 2014 State Aid notice issued by the Commissioner of Education.

Notwithstanding the provisions of any other law or regulation to the contrary, the amount hereinabove appropriated for Per Pupil Growth Aid shall be allocated to school districts at the rate of $10 per pupil multiplied by the district's projected enrollment as set forth in the February 25, 2014 State Aid notice issued by the Commissioner of Education.

Notwithstanding the provisions of any law or regulation to the contrary, the preschool per pupil aid amounts set forth in subsection d. of section 12 of P.L.2007, c.260 (C.18A:7F-54) shall be adjusted by the geographic cost adjustment developed by the commissioner pursuant to P.L.2007, c.260.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Preschool Education Aid shall be used for such sums as are necessary: 1) in the case of a district that received Early Launch to Learning Initiative aid in the 2007-2008 school year, an amount equal to the district's 2007-2008 allocation of Early Launch to Learning Initiative aid; 2) in the case of a school district that received a 2008-2009 allocation of Preschool Education Aid based on its 2007-2008 Early Childhood Program Aid allocation, an aid amount equal to the district's 2013-2014 per pupil allocation of Preschool Education Aid multiplied by the district's projected preschool enrollment; and 3) in the case of any other district with an allocation of Preschool Education Aid in the 2013-2014 school year calculated using the provisions of section 12 of P.L.2007, c.260 (C.18A:7F-54), an amount calculated in accordance with those provisions based upon 2014-2015 projected enrollments multiplied by the per pupil allocations as set forth in the February 25, 2014 State Aid notice issued by the Commissioner of Education.

Notwithstanding the provisions of section 20 of P.L.2007, c.260 (C.18A:7F-62) to the contrary, a district allocation of the amount hereinabove appropriated for School Choice Aid shall be determined by multiplying approved enrollment as reported in the Supplemental Choice Enrollment Collection as of January 24, 2014, by the district's Choice Prebudget Year Local Share Per Pupil as indicated on the February 25, 2014 State Aid notice issued by the Commissioner of Education. Approved enrollment shall not exceed the district's maximum funded choice student enrollment as determined by the Commissioner of Education.

Where choice enrollment reflected on the October 15, 2013 Application for State School Aid is less than the projected choice enrollment reflected on the fiscal year 2014 State Aid Notice, such districts' 2015 School Choice Aid allocations shall be adjusted to reflect actual pre-budget year enrollment as of October 15, 2013.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Charter School Aid shall be used for such sums as are necessary: 1) in the case of a charter school with higher enrollment in the 2014-2015 school year than in the 2007-2008 school year, to provide that in the 2014-2015 school year, the charter school receives no less total support from the State and the resident district than the sum of the total 2007-2008 payments from the resident district and the 2007-2008 payments of Charter School Aid and Charter Schools - Council on Local Mandates Aid and to ensure that such total payments provide a 2014-2015 per pupil amount that is no less than the 2007-2008 per pupil amount based on average daily enrollment; 2) in the case of a charter school with lower enrollment in the 2014-2015 school year than in the 2007-2008 school year, to ensure that such total payments provide a 2014-2015 per pupil amount that is no less than the 2007-2008 per pupil amount based on average daily enrollment; and 3) to provide amounts pursuant to section 12 of P.L.1995, c.426 (C.18A:36A-12), where projected special education enrollment, projected speech enrollment, total projected weighted district enrollment, and the district's adequacy budget are equal to the fiscal year 2014 values, respectively.

Notwithstanding the provisions of section 3 of P.L.1971, c.271 (C.18A:46-31), a portion of the district tuition amounts payable to a county special services school district operating an extended school year program may be transferred to the county special services school district prior to the first of September in the event the board shall file a written request with the Commissioner of Education stating the need for the funds. The commissioner shall review the board's request and determine whether to grant the request after an assessment of whether the district needs to spend the funds prior to September and after considering the availability of district surplus. The commissioner shall transfer the payment for the portion of the tuition payable for which need has been demonstrated.

Notwithstanding the provisions of section 1 of P.L.1997, c.53 (C.18A:39-11.1) districts shall not be reimbursed for administrative fees paid to Cooperative Transportation Service Agencies.

For any school district receiving amounts from the amount hereinabove appropriated for Transportation Aid, and notwithstanding the provisions of any law or regulation to the contrary, if the school district is located in a county of the third class or a county of the second class with a population of less than 235,000, according to the 1990 federal decennial census, transportation shall be provided to school pupils residing in this school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 30 miles from the residence of the pupil.

Notwithstanding the provisions of section 2 of P.L.1981, c.57 (C.18A:39-1a) or any other law or regulation to the contrary, the maximum amount of nonpublic school transportation costs per pupil provided for in N.J.S.18A:39-1 shall equal $884.00.

Of the amounts hereinabove appropriated for School Building Aid and School Construction Debt Service Aid, the calculation of each eligible district's allocation shall include the amount based on school bond and lease purchase agreement payments for interest and principal payable during the 2014-2015 school year pursuant to sections 9 and 10 of P.L.2000, c.72 (C.18A:7G-9 and C.18A:7G-10) and the adjustments required for prior years based on the difference between the amounts calculated using actual principal and interest amounts in a prior year and the amounts allocated and paid in that prior year.

Notwithstanding the provisions of any law or regulation to the contrary, an eligible district's allocation of the amounts hereinabove appropriated for School Construction Debt Service Aid and School Building Aid shall be 85% of the district's approved October 25, 2013 application amount.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for School Building Aid, a district's district aid percentage calculated for purposes of the provisions of section 10 of P.L.2000, c.72 (C.18A:7G-10) shall equal the percentage calculated for the 2001-2002 school year.

Notwithstanding the provisions of any law or regulation to the contrary, when calculating a district's allocation of the amount hereinabove appropriated for School Construction Debt Service Aid, the provisions of subsection d. of section 9 of P.L.2000, c.72 (C.18A:7G-9) shall also be applicable for a school facilities project approved by the commissioner and by the voters in a referendum after the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) and prior to the effective date of P.L.2008, c.39 (C.18A:7G-14.1 et al.).

Notwithstanding the provisions of section 9 of P.L.2000, c.72 (C.18A:7G-9) or any other law or regulation to the contrary, for the purpose of calculating a district's State Debt Service Aid, "M", the maintenance factor, shall equal 1.

In addition to the amount hereinabove appropriated for the School Construction and Renovation Fund account to make payments under the contracts authorized pursuant to section 18 of P.L.2000, c.72 (C.18A:7G-18), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the School Construction and Renovation Fund account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, "non-SDA" districts that received their State support for approved project costs through the New Jersey Schools Development Authority shall be assessed an amount equal to the 2013-2014 assessment. District allocations shall be with-

held from 2014-2015 formula aid payments and the assessment cannot exceed the total of those payments.

Notwithstanding the provisions of any law or regulation to the contrary, each district shall receive no less of a total State aid amount payable for the 2014-2015 school year than the sum of the district's total State aid amount payable for the 2013-2014 school year for the following aid categories: Equalization Aid, Educational Adequacy Aid, Security Aid, Adjustment Aid, School Choice, Special Education Categorical Aid, Transportation Aid, Under Adequacy Aid, and Supplemental Enrollment Growth Aid, taking into consideration the June 2014 payment made in July 2014.

DIRECT STATE SERVICES

12-5011 Marie H. Katzenbach School for the Deaf $14,283,000
(From General Fund ..... $6,590,000)
(From All Other Funds ..... 7,693,000)
13-5011 Behavioral Support Program 915,000
(From All Other Funds ..... 915,000)
Total Appropriation, State and All Other Funds $15,198,000
(From General Fund ..... $6,590,000)
(From All Other Funds ..... 8,608,000)
Less:
All Other Funds $8,608,000
Total Deductions $8,608,000
Total Direct State Services Appropriation, Operation and Support of Educational Institutions $6,590,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($12,465,000)
Materials and Supplies ..... (1,379,000)
Services Other Than Personal ..... (593,000)
Maintenance and Fixed Charges ..... (590,000)
Special Purpose:
12 Transportation Expenses for Students ..... (40,000)
Additions, Improvements and Equipment ..... (131,000)
Less:
All Other Funds 8,608,000

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any law or regulation to the contrary, in addition to the amount hereinabove appropriated to the Marie H. Katzenbach School for the Deaf for the current academic year, payments from local boards of education to the school at an annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting are appropriated.

Any income from the rental of vacant space at the Marie H. Katzenbach School for the Deaf is appropriated for the operation and maintenance cost of the facility

and for capital costs at the school, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the receipt account of the Marie H. Katzenbach School for the Deaf is appropriated for expenses of operating the school.

The unexpended balance at the end of the preceding fiscal year in the receipt account of the Behavioral Support Program (BSP) is appropriated for the expenses of operating the Marie H. Katzenbach School for the Deaf.

CAPITAL CONSTRUCTION

Notwithstanding the provisions of any law or regulation to the contrary, accumulated and current year interest earnings in the State Facilities for Handicapped Fund established pursuant to section 12 of P.L.1973, c.149 are appropriated for capital improvements and maintenance of facilities for the ten regional day schools throughout the State and the Marie H. Katzenbach School for the Deaf as authorized in the State Facilities for Handicapped Bond Act, P.L.1973, c.149, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs

DIRECT STATE SERVICES

20-5062 General Vocational Education $796,000

Total Direct State Services Appropriation, Supplemental Education and Training Programs $796,000

Direct State Services:

Personal Services:

Salaries and Wages ..... ($746,000)

Materials and Supplies ..... (26,000)

Services Other Than Personal ..... (24,000)

STATE AID

20-5062 General Vocational Education $7,860,000

Total State Aid Appropriation, Supplemental Education and Training Programs $7,860,000

State Aid:

20 Vocational Education ..... ($4,860,000)

20 County Vocational School District Partnership Grant Program ..... (3,000,000)

Of the amount hereinabove appropriated for General Vocational Education, an amount not to exceed $367,000 is available for transfer to Direct State Services for the administration of vocational education programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for County Vocational School District Partnership Grant Program shall be allocated for grants to county vocational school

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districts to partner with urban districts, other school districts, county colleges, and other entities to create high-quality career and technical education programs in existing facilities. The commissioner shall award grants, within the limit of available State appropriations, to selected county vocational school districts to be used to support the development and implementation of a career and technical education program in an existing school or college facility that is not owned or leased by the county vocational school district. The commissioner shall determine the amount of each grant awarded under the program and may award multi-year grants.

34 Educational Support Services

DIRECT STATE SERVICES

30-5063	Standards, Assessments and Curriculum	$32,898,000
31-5060	Grants Management	562,000
32-5061	Teacher and Leader Effectiveness	4,971,000
33-5067	Service to Local Districts	5,369,000
34-5068	Innovation	1,639,000
35-5069	Early Childhood Education	1,654,000
37-5069	School Improvement	5,140,000
40-5064	Student Services	1,177,000
	Total Direct State Services Appropriation, Educational Support Services	$53,410,000

Direct State Services:

Personal Services:

Salaries and Wages ($20,954,000)

Materials and Supplies (203,000)

Services Other Than Personal (1,930,000)

Maintenance and Fixed Charges (21,000)

Special Purpose:

30 Statewide Assessment Program (29,912,000)

30 General Education Development (226,000)

40 New Jersey Commission on Holocaust Education (159,000)

40 Military Interstate Children's Compact Commission (5,000)

Receipts from the State Board of Examiners' fees in excess of those anticipated, not to exceed $1,200,000, and the unexpended program balances at the end of the preceding fiscal year, are appropriated for the operation of the Professional Development and Licensure programs.

GRANTS-IN-AID

30-5063	Standards, Assessments and Curriculum	$1,620,000
34-5068	Innovation	2,500,000
40-5064	Student Services	1,000,000
	Total Grants-in-Aid Appropriation, Educational Support Services	$5,120,000

Grants-in-Aid:

30 Liberty Science Center - Educational Services.....($1,350,000)
30 Governor's Literacy Initiative.....(270,000)
34 Education Reform Implementation Grant Program ..(2,500,000)
40 Grants for After School and Summer
Activities for At-Risk Children .....(1,000,000)

The amount hereinabove appropriated for the Liberty Science Center - Educational Services shall be used to provide educational services to districts with high concentrations of at-risk students in the science education component of the core curriculum content standards as established by law.

The amount hereinabove appropriated for the Governor's Literacy Initiative shall be used for a grant for the Learning Through Listening program at the New Jersey Unit of Learning Ally.

The amounts hereinabove appropriated for the Education Reform Implementation Grant Program shall be used by the Commissioner of Education to establish a competitive grant program to award grants to school districts implementing education reform initiatives. No more than $1,250,000 shall be used to award grants to school districts to provide teaching staff members with professional development opportunities consistent with the provisions of P.L.2012, c.26 (C.18A:6-119 et al.). No more than $1,250,000 shall be used to award grants to school districts to prepare for the implementation of assessments developed by the Partnership for the Assessment of Readiness for College and Careers. No school district shall receive grants totaling more than $250,000.

STATE AID

39-5094 Teachers' Pension and Annuity Assistance..... $2,411,753,000
(From Property Tax Relief Fund..... 2,411,753,000)
Total State Aid Appropriation, Educational
Support Services..... $2,411,753,000
(From Property Tax Relief Fund..... 2,411,753,000)

State Aid:

39 Teachers' Pension and Annuity Fund - Post
Retirement Medical (PTRF).....($852,999,000)
39 Teachers' Pension and Annuity Fund (PTRF).....(379,214,000)
39 Social Security Tax (PTRF).....(762,196,000)
39 Teachers' Pension and Annuity Fund -
Non-contributory Insurance (PTRF) .....(35,035,000)
39 Post Retirement Medical Other Than
TPAF (PTRF) .....(197,987,000)
39 Affordable Care Act Fees (PTRF) .....(3,128,000)
39 Debt Service on Pension Obligation
Bonds (PTRF) .....(181,194,000)

Such additional sums as may be required for Teachers' Pension and Annuity Fund - Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Social Security Tax, there is appropriated such amounts, as determined by the Director of the Division of Budget and Accounting, to make payments on behalf of school districts that do not receive sufficient State formula aid payments under this act, for amounts due and owing to the State including out-of-district placements and such amounts shall be recognized by the school district as State revenue.

In addition to the amounts hereinabove appropriated for Social Security Tax, there are appropriated such sums as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

Such additional sums as may be required for the Teachers' Pension and Annuity Fund - Non-contributory Insurance and Post Retirement Medical Other Than TPAF are appropriated, as the Director of the Division of Budget and Accounting shall determine.

35 Education Administration and Management

DIRECT STATE SERVICES

41-5092	Data, Research Evaluation and Reporting	$848,000
43-5092	Office of Fiscal Accountability and Compliance	2,867,000
99-5095	Administration and Support Services	12,389,000
	Total Direct State Services Appropriation, Education Administration and Management	$16,104,000

Direct State Services:

Personal Services:	
Salaries and Wages	($13,965,000)
Materials and Supplies	(168,000)
Services Other Than Personal	(1,349,000)
Maintenance and Fixed Charges	(57,000)
Special Purpose:	
43 Internal Auditing	(500,000)
99 State Board of Education Expenses	(65,000)

Receipts from fees for school district personnel background checks and unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the operation of the criminal history review program.

The unexpended balance at the end of the preceding fiscal year in the Student Registration and Record System account is appropriated for the same purpose.

Costs attributable to EdSmart and EasyIEP, as well as required enhancements to the Statewide longitudinal data system, shall be paid from revenue received from the Special Education Medicaid Initiative (SEMI) program and are appropriated for these purposes to the Student Registration and Record System ac-

count upon recommendation from the Commissioner of Education, subject to the approval of the Director of the Division of Budget and Accounting.

In the event that revenues received from the Special Education Medicaid Initiative (SEMI) program are insufficient to satisfy costs attributable to EdSmart and EasyIEP, as well as required enhancements to the Statewide longitudinal data system, there are appropriated to the Student Registration and Record System account such amounts as may be required as the Director of the Division of Budget and Accounting shall determine.

Department of Education, Total State Appropriation $12,030,960,000

Of the amounts hereinabove appropriated from the General Fund for the Department of Education, or otherwise available from federal resources, there are appropriated funds to establish the Office of School Preparedness and Emergency Planning within the Department of Education, to plan, coordinate, and conduct comprehensive school safety and preparedness assessments for schools and districts Statewide, in collaboration with law enforcement, the Office of Homeland Security and Preparedness, and the Governor's School Security Task Force, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

In the event that sufficient funds are not appropriated to fully fund any State Aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State Aid each district would have been apportioned had the full amount of State Aid been appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund revenues into the Property Tax Relief Fund, provided that unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting may transfer from one State Aid appropriations account for the Department of Education in the General Fund to another appropriations account in the same department in the Property Tax Relief Fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts and to effect the intent of legislation enacted subsequent to the enactment of the appropriations act, provided that sufficient funds are available in the appropriations for that department.

Notwithstanding the provisions of section 8 of P.L.1996, c.138 (C.18A:7F-8), the June school aid payments are subject to the approval of the State Treasurer.

From the amounts hereinabove appropriated, such amounts as are required to satisfy delayed June 2014 school aid payments are appropriated and the State Treasurer is hereby authorized to make such payment in July 2014, as adjusted for any amounts due and owing to the State as of June 30, 2014.

Notwithstanding the provisions of any law or regulation to the contrary, payments from amounts hereinabove appropriated for State Aid may be made directly to the district bank account for the repayment of principal and interest and other costs, when authorized under the terms of a promissory note entered into under the provisions of section 1 of P.L.2003, c.97 (C.18A:22-44.2).

Notwithstanding the provisions of any law or regulation to the contrary, any school district receiving a final judgment or order against the State to assume the fiscal responsibility for the residential placement of a special education student shall have the amount of the judgment or order deducted from the State Aid to be allocated to that district.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may reduce the total State Aid amount payable for the 2014-2015 school year for a district in which an independent audit of the 2013-2014 school year conducted pursuant to N.J.S.18A:23-1 identifies any deviation from the Uniform Minimum Chart of Accounts after the recalculation of the district's actual Total Administrative Costs pursuant to N.J.A.C.6A:23A-8.3.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may withhold State Aid payments to a school district that has not submitted in final form the data elements requested for inclusion in a Statewide data warehouse within 60 days of the department's initial request or its request for additional information, whichever is later.

In the event that sufficient balances are not available in the "School District Deficit Relief Account" for amounts recommended by the Commissioner of Education to the State Treasurer for advance State Aid payments in accordance with P.L.2006, c.15 (C.18A:7A-54 et seq.), the Director of the Division of Budget and Accounting is authorized to transfer such amounts as required from available balances in State Aid accounts.

Notwithstanding the provisions of "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.) and section 24 of P.L.1996, c.138 (C.18A:7F-24), or any law or regulation to the contrary, the amount of the Department of Education State Aid appropriations made available to the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Juvenile Justice Commission pursuant to P.L.1979, c.207 (C.18A:7B-1 et al.) to defray the costs of educating eligible children in approved facilities under contract with the applicable department shall be made at annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, tuition for pupils under contract for services at the Marie H. Katzenbach School for the Deaf, the Commission for the Blind and Visually Impaired, or in a regional day

school operated by or under contract with the Department of Human Services or the Department of Children and Families shall be withheld from State Aid and paid to the respective department.

Notwithstanding the provisions of "The State Facilities Education Act of 1979," (SFEA) P.L.1979, c.207 (C.18A:7B-1 et al.) or any law or regulation to the contrary, funding forwarded to the Juvenile Justice Commission pursuant to subsection c. of section 6 of P.L.1979, c.207 (C.18A:7B-2) may be used to support the costs of SFEA students enrolled in a vocational education program or an adult education assessment program.

The Director of the Division of Budget and Accounting may transfer from one appropriations account for the Department of Education in the Property Tax Relief Fund to another account in the same department and fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts, provided that sufficient funds are available in the appropriations for that department.

Summary of Department of Education Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $82,257,000
Grants-in-Aid 5,150,000
State Aid 11,943,553,000
Appropriations by Fund:
General Fund $844,059,000
Property Tax Relief Fund 11,186,901,000

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42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management
DIRECT STATE SERVICES

11-4870 Forest Resource Management $8,591,000
12-4875 Parks Management 33,504,000
13-4880 Hunters' and Anglers' License Fund 14,015,000
14-4885 Shellfish and Marine Fisheries Management 1,031,000
20-4880 Wildlife Management 364,000
21-4895 Natural Resources Engineering 1,234,000
24-4876 Palisades Interstate Park Commission 2,807,000
Total Direct State Services Appropriation, Natural Resource Management $61,546,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($40,575,000)

Employee Benefits ..... (2,621,000)
Materials and Supplies ..... (4,599,000)
Services Other Than Personal ..... (2,942,000)
Maintenance and Fixed Charges ..... (1,666,000)
Special Purpose:
11 Fire Fighting Costs ..... (2,259,000)
12 Green Acres/Open Space Administration ..... (5,286,000)
20 Endangered Species Tax Check-Off Donations ..... (364,000)
21 Dam Safety ..... (1,234,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Green Acres/Open Space Administration account is transferred from the Garden State Green Acres Preservation Trust Fund, the 2007 Green Acres Fund, and the 2009 Green Acres Fund to the General Fund, together with an amount not to exceed $403,000, and is appropriated to the Department of Environmental Protection for Green Acres/Open Space Administration, subject to the approval of the Director of the Division of Budget and Accounting. Further, there are appropriated from the Garden State Green Acres Preservation Trust Fund such sums as may be required for the Department's administrative costs related to programs for buyout of flood-prone properties funded by the federal "Disaster Relief Appropriations Act, 2013," provided that reimbursements to the Department of such costs from federal funding agencies shall be reimbursed to the Garden State Green Acres Preservation Trust Fund.

Receipts in excess of the amount anticipated from fees and permit receipts from the use of State park and marina facilities, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for Parks Management, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from police court, stands, concessions, and self-sustaining activities operated or supervised by the Palisades Interstate Park Commission, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the same purpose.

Of the amount hereinabove appropriated for the Hunters' and Anglers' License Fund, the first $11,983,000 is appropriated from that fund and any amount remaining therein and the unexpended balance at the end of the preceding fiscal year of the receipts in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated for the same purpose. If receipts to that fund are less than anticipated, the appropriation from the fund shall be reduced proportionately.

Pursuant to section 2 of P.L.1993, c.303 (C.23:3-1f), there are appropriated such amounts as may be necessary to offset revenue losses associated with the issuance of free waterfowl stamps and hunting and fishing licenses to active members of the New Jersey National Guard and disabled veterans. The amount to be

appropriated shall be certified by the Division of Fish and Wildlife and is subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Endangered Species Tax Check-Off Donations account is payable from receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account at the end of the preceding fiscal year, together with receipts in excess of the amount anticipated, are appropriated for the same purpose. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amount hereinabove appropriated for Shellfish and Marine Fisheries Management, an amount not to exceed $1,100,000 is appropriated from balances in the Nuclear Emergency Response account for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $4,442,000 is appropriated from the capital construction appropriation for Shore Protection Fund Projects for costs attributable to planning, operation, and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $1,158,000 is appropriated from the capital construction appropriation for HR-6 Flood Control for costs attributable to the operation and administration of the State Flood Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $440,000 is appropriated from the capital construction appropriation for Shore Protection Fund Projects for the operation and maintenance of the Bayshore Flood Control facility.

In accordance with the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, an amount not to exceed $68,000 is appropriated from the 2003 Dam, Lake, Stream and Flood Control Project Fund-Flood Control account for administrative costs attributable to flood control and an amount not to exceed $255,000 is appropriated from the 2003 Dam, Lake and Stream Project Revolving Loan Fund-Dam Safety account for administrative costs attributable to dam safety, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Recreational Land Development and Conservation - Constitutional Dedication account, an amount not to exceed five percent of the appropriation shall be allocated for costs associated with the administration of the program pursuant to the amendments effective December 7, 2006 to Article VIII, Section II, paragraph 6 of the State Constitution.

The unexpended balance at the end of the preceding fiscal year in the Recreational Land Development and Conservation - Constitutional Dedication administrative account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Delaware and Raritan Canal Commission such amounts as may be collected from permit review fees pursuant to P.L.2007,

c.142, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection from penalties collected under the "Safe Dam Act," P.L.1981, c.249 (C.58:4-8.1 et al.) and R.S.58:4-1 et seq., such amounts as may be necessary to remove dams that may be abandoned, have disputed ownership, or are not in compliance with current inspection requirements or repair. The unexpended balance at the end of the preceding fiscal year of such receipts are appropriated to the Department of Environmental Protection for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Forest Resource Management, there is appropriated $800,000 from the New Jersey Motor Vehicle Commission.

There is appropriated to the Department of Environmental Protection $200,000 from the "Drug Enforcement and Demand Reduction Fund" for the cost of implementing and administering the Hooked on Fishing-Not on Drugs Program established pursuant to P.L.2012, c.46, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

12-4875 Parks Management $2,125,000
Total Grants-in-Aid Appropriation, Natural Resource Management $2,125,000

Grants-in-Aid:

12 Public Facility Programming ..... ($2,125,000)

Loan repayments received from dam rehabilitation projects pursuant to P.L.1999, c.347, and any unexpended balance at the end of the preceding fiscal year are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

21-4895 Natural Resources Engineering $31,500,000
29-4875 Environmental Management - CBT Dedication 16,008,000
Total Capital Construction Appropriation, Natural Resource Management $47,508,000

Capital Projects:

Bureau of Parks:

29 Recreational Land Development and Conservation - Constitutional Dedication ..... ($16,008,000)

Natural Resources Engineering:

21 Shore Protection Fund Projects ..... (25,000,000)
21 HR-6 Flood Control ..... (6,500,000)

The amount hereinabove appropriated for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer fee directed to be cred-

ited to the Shore Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1).

An amount not to exceed $500,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

The amounts hereinabove appropriated for Recreational Land Development and Conservation - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for the Recreational Land Development and Conservation - Constitutional Dedication account, an amount not to exceed $525,000 is appropriated to the Palisades Interstate Park Commission for costs associated with the capital improvement of recreational land, subject to the approval of the Director of the Division of Budget and Accounting.

40 Community Development and Environmental Management
43 Science and Technical Programs
DIRECT STATE SERVICES

05-4840	Water Supply	$8,006,000
15-4890	Land Use Regulation	12,244,000
18-4810	Office of Science Support	250,000
29-4850	Environmental Management - CBT Dedication	16,008,000
	Total Direct State Services Appropriation, Science and Technical Programs	$36,508,000

Direct State Services:

Personal Services:	
Salaries and Wages	($8,097,000)
Materials and Supplies	(19,000)
Services Other Than Personal	(1,941,000)
Maintenance and Fixed Charges	(59,000)
Special Purpose:	
05 Administrative Costs Water Supply Bond Act of 1981 - Management	(2,471,000)
05 Administrative Costs Water Supply Bond Act of 1981 - Watershed and Aquifer	(1,827,000)
05 Water/Wastewater Operators Licenses	(43,000)
05 Safe Drinking Water Fund	(2,526,000)
15 Tidelands Peak Demands	(3,267,000)
18 Hazardous Waste Research	(250,000)
29 Water Resources Monitoring and Planning - Constitutional Dedication	(16,008,000)

The amounts hereinabove appropriated for the Administrative Costs Water Supply Bond Act of 1981 - Management and Watershed and Aquifer accounts are ap-

propriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount not to exceed $86,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Safe Drinking Water Fund account is appropriated from receipts received pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), together with an amount not to exceed $444,000, for administration of the Safe Drinking Water program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), or any law or regulation to the contrary, the amount hereinabove appropriated for the Hazardous Waste Research account is appropriated from the available balance in the New Jersey Spill Compensation Fund for research on the prevention and the effects of discharges of hazardous substances on the environment and organisms, on methods of pollution prevention and recycling of hazardous substances, and on the development of improved cleanup, removal and disposal operations, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Environmental Management - CBT Dedication program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account is appropriated to be used in a manner consistent with the requirements of the constitutional dedication.

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated in the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account shall be made available to support nonpoint source pollution and watershed management programs, consistent with the constitutional dedication, within the Department of Environmental Protection in the amounts of $1,536,000 for Water Monitoring and Standards, $1,007,000 for New Jersey Geological Survey, $542,000 for Watershed Management, $500,000 for Forest Resource Management, and an amount not to exceed $790,000 for the Department of Agriculture to support nonpoint source pollution control programs, at a level of $540,000, and the Conservation Assistance Program, at an amount not to exceed $250,000, on or before September 1, 2014, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) and the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), the Commissioner of Environmental Protection may utilize from the funds appropriated from those sources hereinabove

such sums as the commissioner may determine as necessary to broaden the department's research efforts to address emerging environmental issues.

In addition to the federal funds amount hereinabove appropriated for the Water Supply program classification, such additional sums that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated for the same purpose.

Receipts in excess of those anticipated for Water Allocation fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Supply program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the individual amounts anticipated for "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1), Freshwater Wetlands, Stream Encroachment, Waterfront Development, and Wetlands fees, and the unexpended balance at the end of the preceding year of such receipts, are appropriated for administrative costs associated with Land Use Regulation, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amounts anticipated for Well Permits, Well Drillers, Pump Installers Licenses, and the unexpended balances at the end of the preceding year of such receipts, are appropriated to the Department of Environmental Protection for the Water Supply program and for the Private Well Testing program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees from the Water and Wastewater Operators Licensing program, and the unexpended balances at the end of the preceding year of such receipts, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Office of Science Support, an amount not to exceed $2,616,000 is appropriated from the Hazardous Discharge Site Cleanup Fund for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, an amount, as determined by the Director of the Division of Budget and Accounting, is appropriated from the Clean Energy Fund to support the Office of Sustainability and Green Energy in the Department of Environmental Protection subject to the following condition: The Board of Public Utilities and the Office of Sustainability and Green Energy shall enter into a memorandum of understanding providing for the terms and conditions for the expenditure of the funds, including but not limited to the uses of the funds and program coordination between the two agencies.

GRANTS-IN-AID

The unexpended balance at the end of the preceding fiscal year in the Stormwater Management Grants account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Watershed Restoration Projects account is appropriated for the same purpose.

There is appropriated to the Lake Hopatcong Commission such sums as may be collected from a boat registration surcharge, or other fee as may be authorized pursuant to separate legislation, for the purposes of continuing operations of the commission.

Of the amount hereinabove appropriated for the Stormwater Management Grants and Watershed Restoration Projects programs, such sums as are necessary or required may be transferred to the Water Resources Monitoring and Planning - Constitutional Dedication special purpose account, subject to the approval of the Director of the Division of Budget and Accounting.

40 Community Development and Environmental Management
44 Site Remediation and Waste Management
DIRECT STATE SERVICES

23-4910	Solid and Hazardous Waste Management	$5,352,000
27-4815	Remediation Management and Response	32,812,000
29-4815	Environmental Management - CBT Dedication	9,606,000
	Total Direct State Services Appropriation, Site Remediation and Waste Management	$47,770,000

Direct State Services:

Personal Services:	
Salaries and Wages	($15,014,000)
Materials and Supplies	(152,000)
Services Other Than Personal	(3,560,000)
Maintenance and Fixed Charges	(416,000)
Special Purpose:	
23 Office of Dredging and Sediment Technology	(444,000)
27 Hazardous Discharge Site Cleanup Fund - Responsible Party	(18,578,000)
29 Cleanup Projects Administrative Costs - Constitutional Dedication	(9,606,000)

The amount hereinabove appropriated for the Office of Dredging and Sediment Technology is appropriated from the 1996 Dredging and Containment Facility Fund, created pursuant to section 18 of P.L.1996, c.70, the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," together with an amount not to exceed $391,000 for the administration of the Dredging and Sediment Technology program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to site specific charges, the amounts hereinabove for the Remediation Management and Response program classification, excluding the Hazardous Discharge Site Cleanup Fund - Responsible Party and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation

Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed $10,540,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund - Responsible Party account is appropriated from responsible party cost recoveries deposited into the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed $16,145,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove, there is appropriated to the Hazardous Discharge Site Cleanup Fund - Responsible Party account such additional amounts, as necessary, received from cost recoveries and from the Licensed Site Remediation Professionals fees and deposited into the Hazardous Discharge Site Cleanup Fund, for the cleanup of hazardous waste sites and the costs associated with the "Site Remediation Reform Act," P.L.2009, c.60 (C.58:10C-1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Publicly-Funded Site Remediation program classification and the Remediation Management and Response program classification, such additional amounts that may be received from the federal government for the Superfund Grants program are hereby appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated from the Hazardous Discharge Site Cleanup Fund and from the New Jersey Spill Compensation Fund, such amounts as are necessary are appropriated for costs associated with the Administration and Support Services program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Environmental Management - CBT Dedication program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Cleanup Projects Administrative Costs - Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Solid Waste Utility Regulation, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Solid and Hazardous Waste Management program classification and "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.) agencies for costs incurred to oversee the State's recycling efforts and other solid waste program activities.

Receipts from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any other law to the contrary, monies appropriated to the Department of Environmental Protection from the Clean Communities Program Fund shall be provided by the department to the New Jersey Clean Communities Council pursuant to a contract between the department and the New Jersey Clean Communities Council to implement the requirements of the Clean Communities Program pursuant to subsection d. of section 6 of P.L.2002, c.128 (C.13:1E-218).

There is hereby appropriated from the Petroleum Underground Storage Tank Remediation, Upgrade, and Closure Fund an amount not to exceed $1,000,000 for costs associated with the department's administration of the loan and grant program for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances pursuant to the amendments effective December 8, 2005 to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Private Underground Storage Tank Administrative Costs - Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed $147,500,000 of cost recoveries from litigation related to the Passaic River cleanup shall be deposited in the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, and in order to carry out the terms of the Third-Party Consent Judgment entered into with respect to the Passaic River Litigation, any amount owed by a Municipal Settling Third-Party Defendant pursuant to the Third-Party Consent Judgment may be deducted from the first two payments due in Fiscal Year 2015 in the amount of $50,000 of the first payment and $45,000 of the second payment from the appropriation to the Municipal Settling Third-Party Defendant for Consolidated Municipal Property Tax Relief Aid (CMPTRA). Such deductions shall constitute partial or full satisfaction of the obligation of such Settling Third-Party Defendant; provided that in the event that the deductions are not sufficient to satisfy the full obligation of the Municipal Settling Third-Party Defendant under the Third-Party Consent Judgment, the Municipal Settling Third-Party Defendant shall be liable for the remainder.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Hazardous Discharge Site Cleanup Fund an amount of $6,000,000 for the direct and indirect costs of legal and consulting services associated with litigation related to the Passaic River cleanup, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed $17,445,686.70 of cost recoveries from the Third-Party Consent

Judgment and Court Approved Settlement Agreement in the litigation related to the Passaic River cleanup are appropriated to the Hazardous Discharge Site Cleanup Fund for the restoration of natural resources in the Newark Bay Complex as that term is defined in the complaint and amended complaints in the case styled as New Jersey Department of Environmental Protection, et al. v. Occidental Chemical Corporation, et al., Superior Court of New Jersey, Law Division, Docket No. ESX-L-009868-05 (PASR) and to implement restoration activities of the Office of Natural Resource Restoration.

CAPITAL CONSTRUCTION

29-4815 Environmental Management - CBT Dedication $43,429,000
Total Capital Construction Appropriation, Site Remediation and Waste Management $43,429,000

Capital Projects:

29 Hazardous Substance Discharge Remediation - Constitutional Dedication.....($20,277,000)
29 Private Underground Storage Tank Remediation - Constitutional Dedication.....(11,146,000)
29 Hazardous Substance Discharge Remediation Loans & Grants - Constitutional Dedication.....(12,006,000)

The amounts hereinabove appropriated for Hazardous Substance Discharge Remediation - Constitutional Dedication and Hazardous Substance Discharge Remediation Loans and Grants - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for Hazardous Substance Discharge Remediation - Constitutional Dedication, such amounts as necessary, as determined by the Director of the Division of Budget and Accounting, are appropriated for site remediation costs associated with State-owned properties and State-owned underground storage tanks.

Except as otherwise provided in this act and notwithstanding the provisions of any other law or regulation to the contrary, the first $50,000,000 in natural resource, cost recoveries and other associated damages recovered by the State, along with such additional amounts as may be determined by the Director of the Division of Budget and Accounting, in consultation with the Attorney General, to be necessary to pay for the costs of legal services related to such recoveries, shall be deposited into the Hazardous Discharge Site Cleanup Fund established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34), and are appropriated for: direct and indirect costs of remediation, restoration, and clean up; costs for consulting, expert, and legal services incurred in pursuing claims for damages; and grants to local governments and nonprofit organizations to further implement restoration activities of the Office of Natural Resource Restoration. Recoveries in excess of the amounts appropriated pursuant to this paragraph, consistent with the terms

and conditions of applicable settlement agreements or court rulings, shall be deposited in the General Fund as general State revenue.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution and hereinabove appropriated, shall be appropriated to the New Jersey Economic Development Authority's Hazardous Discharge Site Remediation Fund and the Department of the Treasury's Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

40 Community Development and Environmental Management
45 Environmental Regulation
DIRECT STATE SERVICES

01-4820	Radiation Protection	$5,850,000
02-4892	Air Pollution Control	14,456,000
08-4891	Water Pollution Control	7,613,000
09-4860	Public Wastewater Facilities	2,572,000
	Total Direct State Services Appropriation, Environmental Regulation	$30,491,000

Direct State Services:

Personal Services:		
	Salaries and Wages	($17,335,000)
Materials and Supplies		(179,000)
Services Other Than Personal		(3,964,000)
Maintenance and Fixed Charges		(203,000)
Special Purpose:		
01	Nuclear Emergency Response	(2,579,000)
01	Quality Assurance - Lab Certification Programs	(1,546,000)
02	Pollution Prevention	(1,000,000)
02	Toxic Catastrophe Prevention	(943,000)
02	Worker and Community Right to Know Act	(749,000)
02	Oil Spill Prevention	(1,993,000)

The amount hereinabove appropriated for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L1981, c.302 (C.26:2D-37 et seq.). Receipts in excess of the amount anticipated, not to exceed $1,181,000, are appropriated. The unexpended balance at the end of the preceding fiscal year in the Nuclear Emergency Response account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Commercial Vehicle Enforcement Fund, established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), such sums as may be necessary to fund the costs of the regulation of the Diesel Exhaust Emissions program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Pollution Prevention account is payable from receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed $255,000, for administration of the Pollution Prevention program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right to Know Act account is payable out of the Worker and Community Right to Know Fund, and the receipts in excess of the amount anticipated, not to exceed $503,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately. The amount hereinabove appropriated for the Oil Spill Prevention account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated, not to exceed $930,000, from the New Jersey Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and section 1 of P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

Any funds received by the New Jersey Environmental Infrastructure Trust from any State agency to offset the trust's annual operating expenses are appropriated for the same purpose.

In addition to the federal funds amount for the Public Wastewater Facilities program classification, such additional sums that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

Receipts in excess of those anticipated from Air Permitting Minor Source fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection for expansion of the Air Pollution Control program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection b. of section 1 of P.L.2005, c.202 (C.58:11B-10.2) or any law or regulation to the contrary, in addition to the amount anticipated to the General Fund from the New Jersey Environmental Infrastructure Financing Program Administrative Fee, there is appropriated $2,600,000 to the Department of Environmental Protection for associated administrative and operating expenses, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Diesel Risk Mitigation Fund - Constitutional Dedication, an amount not to exceed $1,150,000 shall be appropriated for costs associated with the administration of the program pursuant to the amendments effective December 8, 2005, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the pre-

ceding fiscal year in the Diesel Risk Mitigation Fund Administrative Costs - Constitutional Dedication account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Nuclear Regulatory Commission - Agreement State account, such amounts as may be necessary to fund the costs of the Radiation Protection program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

29-4892 Environmental Management - CBT Dedication $18,142,000
Total Grants-in-Aid Appropriation, Environmental Regulation $18,142,000

Grants-in-Aid:

29 Diesel Risk Mitigation Fund - Constitutional Dedication ..... ($18,142,000)

The amount hereinabove appropriated for the Diesel Risk Mitigation Fund - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Diesel Risk Mitigation Fund - Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, funds hereinabove appropriated from the Diesel Risk Mitigation Fund - Constitutional Dedication account may be used to reimburse the owner of a regulated vehicle or regulated equipment as defined by section 2 of P.L.2005, c.219 (C.26:2C-8.27) for the cost of repowering or rebuilding a diesel engine if repowering or rebuilding results in a reduction of fine particle diesel emissions from that engine as approved by the Department of Environmental Protection and in accordance with rules and regulations adopted pursuant thereto. Any reimbursement shall be subject to conditions and limitations provided in P.L.2005, c.219 (C.26:2C-8.26 et al.) and rules and regulations adopted pursuant thereto and shall not exceed the amount of the lowest priced retrofit device on the State contract at the prescribed best available retrofit technology level for the subject vehicle or equipment type.

40 Community Development and Environmental Management
46 Environmental Planning and Administration
DIRECT STATE SERVICES

26-4805 Regulatory and Governmental Affairs $1,697,000
99-4800 Administration and Support Services 15,170,000
Total Direct State Services Appropriation, Environmental Planning and Administration $16,867,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($15,195,000)
Materials and Supplies ..... (104,000)
Services Other Than Personal ..... (163,000)
Maintenance and Fixed Charges ..... (5,000)
Special Purpose:
99 New Jersey Environmental Management System ..... (1,400,000)

The unexpended balance at the end of the preceding fiscal year in the Office of the Records Custodian - Open Public Records Act account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

99-4800 Administration and Support Services $6,130,000
Total State Aid Appropriation, Environmental Planning and Administration $6,130,000

State Aid:

99 Mosquito Control, Research, Administration and Operations ..... ($1,346,000)
99 Administration and Operations of the Highlands Council ..... (2,315,000)
99 Administration, Planning and Development Activities of the Pinelands Commission ..... (2,469,000)

Receipts from permit fees imposed by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are hereby appropriated to the Pinelands Commission.

The unexpended balance at the end of the preceding fiscal year in the Mosquito Control, Research, Administration and Operations account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

40 Community Development and Environmental Management
47 Compliance and Enforcement
DIRECT STATE SERVICES

02-4855 Air Pollution Control $4,622,000
04-4835 Pesticide Control 2,121,000
08-4855 Water Pollution Control 5,902,000
15-4855 Land Use Regulation 2,440,000
23-4855 Solid and Hazardous Waste Management 5,784,000
Total Direct State Services Appropriation, Compliance and Enforcement $20,869,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($15,836,000)
Materials and Supplies ..... (155,000)
Services Other Than Personal ..... (3,064,000)
Maintenance and Fixed Charges ..... (733,000)
Special Purpose:
15 Tidelands Peak Demands ..... (1,081,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.) shall be allocated in the following priority order and are appropriated in the amount of $485,000 for the cleanup or maintenance of beaches or shores, the amount of $90,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.), the amount of $65,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, and the amount of $10,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of $650,000, but not to exceed $1,000,000, will be distributed proportionately among the programs listed above in accordance with P.L.1993, c.168 (C.39:3-27.47 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of $1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for Pesticide fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection, pursuant to R.S.12:5-6, all penalties, fines, recoveries of costs, and interest deposited to the Cooperative Coastal Monitoring, Restoration and Enforcement Fund, established pursuant to subsection h. of section 18 of P.L.1973, c.185 (C.13:19-18), for the costs of coastal restoration projects, providing aircraft overflights for coastal monitoring and surveillance, and enforcement activities conducted by the department, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

08-4855 Water Pollution Control $2,700,000
(From Property Tax Relief Fund ..... $2,700,000)
Total State Aid Appropriation, Compliance and Enforcement $2,700,000

(From Property Tax Relief Fund..... $2,700,000)

State Aid:

08 County Environmental Health Act (PTRF).....($2,700,000)

Department of Environmental Protection, Total State Appropriation $334,085,000

The amounts hereinabove appropriated for the Tidelands Peak Demands accounts are payable from receipts from the sales, grants, leases, licensing, and rentals of State riparian lands. If receipts are less than anticipated, the appropriation shall be reduced proportionately. In addition, there is appropriated an amount not to exceed $4,197,000 from the same source for other administrative costs, including legal services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, with regard to the fee-related appropriations provided hereinabove, the Commissioner of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the department's purview.

Notwithstanding the provisions of the "Environmental Fee Accountability Act of 1991," P.L.1991, c.426 (C.52:27B-20.1 et seq.) and P.L.1991, c.427 (C.13:1D-9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise herein dedicated, shall be deposited into the General Fund without regard to their specific dedication.

Notwithstanding the provisions of any law or regulation to the contrary, of the federal fund amounts hereinabove appropriated for the programs included in the Performance Partnership Grant Agreement with the United States Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the grant agreement and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts appropriated for site remediation, the Department of Environmental Protection may enter into a contract with the United States Environmental Protection Agency (EPA) to provide the State's statutory matching share for EPA-led Superfund remedial actions pursuant to the State Superfund contract.

Receipts in excess of $7,210,000 anticipated for Air Pollution, Clean Water Enforcement, Land Use, Solid Waste, and Hazardous Waste fines, not to exceed $1,500,000, and the unexpended balance at the end of the preceding fiscal year are appropriated for the expansion of compliance, enforcement, and permitting efforts in the department, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from New Jersey Pollutant Discharge Elimination System/Stormwater Permits, and the unexpended balance at the end

of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Pollution Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts hereinabove appropriated for water resource evaluation studies and monitoring, the Department of Environmental Protection may enter into contracts with the United States Geological Survey to provide the State's match to joint funding agreements for water resource evaluation studies and monitoring analyses.

Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation Loans and Grants - Constitutional Dedication account, an amount not to exceed $2,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Underground Storage Tank Inspection Program account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts hereinabove appropriated for environmental restoration and mitigation, the Department of Environmental Protection may enter into agreements with the United States Army Corps of Engineers to provide the State's matching share to any federally authorized restoration or mitigation projects.

In the event that revenues are received in excess of the amount of revenues anticipated from Solid Waste Utility Regulation, Water Allocation, New Jersey Pollutant Discharge Elimination System/Stormwater Permits, Coastal Area Facility Review Act, Freshwater Wetlands, Stream Encroachment, Waterfront Development, Wetlands, Well Permits/Well Drillers/Pump Installers Licenses, Water and Wastewater Operators Licensing program, Air Permitting Minor Source, and Pesticide fees, if the amounts of such unanticipated revenues exceed $8,426,000, the amounts of such unanticipated revenues in excess of $8,426,000 and any reappropriated balances are appropriated for information technology enhancements in the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

There is reappropriated to the Department of Environmental Protection an amount not to exceed $5,000,000 from the "Shore Protection Fund" established pursuant to the "Shore Protection Bond Act of 1983," P.L.1983, c.356 for the cost, as defined by that act, of State Projects, including State Projects to restore coastal protection systems and removal of sand from State waterways resulting from Superstorm Sandy, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection from the "1996 Dredging and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, an amount not to exceed $10,000,000, as determined by the Commissioner of the Department of Environmental Protection, to provide funding to the Department of Transportation for financing the cost of dredging navigation channels not located in the port region, as provided for in section 7 of P.L.1996, c.70, subject to the following conditions: the Department of Environmental Protection shall enter into a memorandum of understanding with the Department of Transportation to provide for the terms and conditions pursuant to which the bond monies shall be spent, including a list of the channels to be dredged; and any monies appropriated pursuant to this provision that are not expended for the purposes set forth in this provision shall be returned for deposit into the "1996 Dredging and Containment Facility Fund."

There are reappropriated to the Department of Environmental Protection unexpended balances in the "1996 Dredging and Containment Facility Fund," established pursuant to section 18 of the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," P.L.1996, c.70, appropriated pursuant to P.L.2000, c.171, for the cost of Projects, as defined in P.L.1996, c.70, including the removal of wet debris, resulting from Superstorm Sandy, in various State navigation channels not located in the port region, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Environmental Protection Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$214,051,000
Grants-in-Aid	20,267,000
State Aid	8,830,000
Capital Construction	90,937,000
Appropriations by Fund:	
General Fund	$331,385,000
Property Tax Relief Fund	2,700,000

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46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services
DIRECT STATE SERVICES

01-4215	Vital Statistics	$1,323,000
02-4220	Family Health Services	6,023,000

03-4230 Public Health Protection Services 12,519,000
07-4270 Health Care Systems Analysis 750,000
08-4280 Laboratory Services 14,958,000
12-4245 AIDS Services 1,338,000
Total Direct State Services Appropriation, Health Services $36,911,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($15,436,000)
Materials and Supplies ..... (2,229,000)
Services Other Than Personal ..... (4,576,000)
Maintenance and Fixed Charges ..... (1,330,000)
Special Purpose:
02 WIC Farmers Market Program ..... (87,000)
02 Breast Cancer Public Awareness Campaign ..... (90,000)
02 Identification System for Children's Health and Disabilities ..... (300,000)
02 Governor's Council for Medical Research and Treatment of Autism ..... (500,000)
02 Public Awareness Campaign for Black Infant Mortality ..... (500,000)
02 Cancer Screening - Early Detection and Education Program ..... (3,500,000)
03 Cancer Registry ..... (400,000)
03 Cancer Investigation and Education ..... (500,000)
03 Emergency Medical Services for Children ..... (50,000)
03 Animal Welfare ..... (150,000)
03 Worker and Community Right to Know ..... (1,695,000)
03 New Jersey Compassionate Use Medical Marijuana Act ..... (1,607,000)
03 New Jersey State Commission on Cancer Research (1,000,000)
07 Statewide Trauma Registry ..... (750,000)
08 West Nile Virus - Laboratory ..... (640,000)
Additions, Improvements and Equipment ..... (1,571,000)

The unexpended balance at the end of the preceding fiscal year in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.

In addition to the amounts hereinabove appropriated, notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $150,000 from the "Emergency Medical Technician Training Fund" to fund the Emergency Medical Services for Children Program.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $500,000 from the Autism Medical Research and Treatment Fund for the operations of New Jersey's Autism Registry.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the "Emergency Medical Technician Training Fund" $79,000 for Emergency Medical Services and $125,000 for the First Response EMT Cardiac Training Program.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $500,000 from the Autism Medical Research and Treatment Fund for the operations of the Governor's Council for Medical Research and Treatment of Autism.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the "Pilot Clinic Fund" such amounts as are necessary to pay the reasonable and necessary expenses of the "Animal Population Control Fund," subject to the approval of the Director of the Division of Budget and Accounting.

Receipts deposited into the Autism Medical Research and Treatment Fund are appropriated for the Governor's Council for Medical Research and Treatment of Autism, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts deposited into the "New Jersey Breast Cancer Research Fund" from the gross income tax check-offs pursuant to the provisions of P.L.1995, c.26 (C.54A:9-25.7 et al.) are appropriated to the New Jersey State Commission on Cancer Research for breast cancer research projects, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right to Know account is payable from the "Worker and Community Right to Know Fund."

Receipts from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $4,722,000, are appropriated for the Medical Emergency Disaster Preparedness for Bioterrorism program and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health for diagnostic laboratory services provided to any other agency or department, provided that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories, pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks, pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), are appropriated.

Receipts from licenses, permits, fines, penalties, and fees collected by the Department of Health in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, $1,000,000 from the Cancer Research Fund established pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1) is transferred to the General Fund.

Notwithstanding the provisions of subsection c. of section 6 of P.L.1983, c.6 (C.52:9U-6), subsection c. of section 5 of P.L.2003, c.200 (C.52:9EE-5), subsection c. of section 5 of P.L.1999, c.201 (C.52:9E-5) and section 4 of P.L.1999, c.105 (C.30:6D-59) or any other law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey State Commission on Brain Injury Research, New Jersey Commission on Spinal Cord Research, and the Governor's Council for Medical Research and Treatment of Autism are subject to the following condition: an amount from each appropriation, subject to the approval of the Director of the Division of Budget and Accounting, may be used to pay the salary and other benefits of one person who shall serve as Executive Director for all four entities, with the services of such person allocated to the four entities as shall be determined by the four entities.

In the event that amounts available in the "Emergency Medical Technician Training Fund" are insufficient to support reimbursement levels of $750 for initial EMT training, while at the same time continuing to ensure funding for continuing EMT education at current levels, there are appropriated such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary to maintain these increased levels for initial and continuing EMT training and education.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the New Jersey Spinal Cord Research Fund such amounts as are necessary to support the award of grants for research on the treatment of spinal cord injuries, both traumatic and non-traumatic, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the New Jersey Brain Injury Research Fund such amounts as are necessary to support the award of grants for research on the treatment of brain injuries, both traumatic and non-traumatic, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the Autism Medical Research and Treatment Fund such amounts as are necessary to support the award of grants for a Special Health Needs Medical Homes pilot program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $250,000 from the Autism Medical Research and Treatment Fund for the Autism New Jersey Helpline.

In addition to the purposes set forth in Section 2 of P.L.1993, c.277 (C.26:4-100.13), funds in the Hepatitis Inoculation Fund are appropriated and may be used for hepatitis prevention activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts appropriated hereinabove for Statewide Trauma Registry shall be used to establish Statewide registry of hospitalizations for traumatic injury.

GRANTS-IN-AID

02-4220 Family Health Services $116,120,000
(From General Fund ..... $115,591,000)
(From Casino Revenue Fund ..... 529,000)
03-4230 Public Health Protection Services 44,881,000
12-4245 AIDS Services 21,651,000
Total Grants-in-Aid Appropriation, Health Services $182,652,000
(From General Fund ..... $182,123,000)
(From Casino Revenue Fund ..... 529,000)

Grants-in-Aid:

02 Maternal, Child and Chronic Health Services.....($26,756,000)
02 Statewide Birth Defects Registry (CRF).....(529,000)
02 Poison Control Center.....(587,000)
02 Early Childhood Intervention Program.....(85,973,000)
02 Surveillance, Epidemiology, and End Results Expansion Program - CINJ.....(2,000,000)
02 New Jersey Center for Tourettes Syndrome and Associated Disorders, Inc.....(250,000)
02 Adler Aphasia Center.....(25,000)
03 Implementation of Comprehensive Cancer Control Program.....(1,200,000)
03 Cancer Institute of New Jersey .....(28,000,000)
03 South Jersey Cancer Program - Camden.....(15,400,000)
03 Worker and Community Right to Know.....(281,000)
12 AIDS Grants .....(21,651,000)

Receipts from the federal Medicaid (Title XIX) program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated $570,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Fetal Alcohol Syndrome Program.

Of the amount hereinabove appropriated for Maternal, Child and Chronic Health Services, an amount may be transferred to Direct State Services in the Department of Health to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Cancer Institute of New Jersey, $250,000 is appropriated to the Ovarian Cancer Research Fund.

There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund, established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1), such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program, established pursuant to P.L.1986, c.106 (C.26:2K-35

et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," the amounts hereinabove appropriated for the AIDS Drug Distribution Program (ADDP) shall not be spent unless the ADDP is designated as the authorized representative for the purposes of coordinating benefits with the Medicare Part D program, including enrollment and appeals of coverage determinations. ADDP is authorized to represent program beneficiaries in the pursuit of such coverage. ADDP representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; and facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If any beneficiary declines enrollment in any Medicare Part D plan, that beneficiary shall be barred from all benefits of the ADDP Program.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the AIDS Drug Distribution Program (ADDP) is conditioned upon the Department of Health coordinating the benefits of ADDP with the prescription drug benefits of the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer. The ADDP benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs, as determined by the Commissioner of Health, associated with enrollment in Medicare Part D for ADDP beneficiaries, and for Medicare Part D premium costs for ADDP beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the AIDS Drug Distribution Program (ADDP) account shall be available as payment as an ADDP benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003."

Commencing with the start of the fiscal year, and consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA), no funds hereinabove appropriated from the AIDS Drug Distribution Program (ADDP) account shall be expended for any individual enrolled in the ADDP program unless the individual provides all data necessary to enroll the individual in the Medicare Part D program established pursuant to the MMA, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

In order to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of appropriation within the AIDS Services program classification in the Department of Health, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Early Childhood Intervention Program shall be conditioned on the Early Childhood Intervention Program's family cost sharing program involving a progressive charge for each hour of direct services provided to the child and/or the child's family in accordance with the child's Individualized Family Service Plan, based upon household size and gross income as set forth in the July 2013 or the next most recent published edition of the New Jersey Early Intervention System Family Cost Participation Handbook.

No funds hereinabove appropriated to the Department of Health shall be used for the Medical Waste Management Program. The Department of Health and the Department of Environmental Protection shall establish a transition plan to ensure provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et al.) are met.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Cancer Institute of New Jersey (CINJ) shall be conditioned upon the following provision: no funds shall be expended except to support CINJ's infrastructure necessary to support cancer research, prevention, and treatment.

Of the amount hereinabove appropriated for the Surveillance, Epidemiology and End Results Expansion Program-CINJ account, an amount may be transferred to Direct State Services in the Department of Health to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the South Jersey Cancer Program - Camden account are appropriated to the program for cancer-related capital equipment, design, engineering, and construction expenses.

In addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, such additional sums as may be necessary are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for AIDS Grants, savings realized from reduced transportation costs may be transferred to the AIDS Drug Distribution Program account, subject to the approval of the Director of the Division of Budget and Accounting.

Upon a determination by the Commissioner of Health, made in consultation with the State Treasurer, that additional State funding is necessary to reimburse centers for services to uninsured clients, the Director of the Division of Budget and

Accounting shall authorize the appropriation of such sums as the commissioner determines are necessary for grants to federally qualified health centers.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the AIDS Drug Distribution Program shall be expended for drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including but not limited to drugs used for baldness and weight loss.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Early Childhood Intervention Program shall be conditioned on adherence to the requirements of the "Individuals with Disabilities Education Improvement Act of 2004," Pub.L. 108-446 (20 U.S.C. s.1400 et seq.), as amended, and part 303 of Title 34, Code of Federal Regulations, as set forth in the State Plan filed by the Early Childhood Intervention Program with the U.S. Department of Education, Office of Special Education Programs.

Notwithstanding the provisions of section 9 of P.L.2003, c.200 (N.J.S.52:9EE-9), there is appropriated from the New Jersey Brain Injury Research Fund the amount of $140,000 which shall be transferred to the Department of Human Services and allocated to the Brain Injury Alliance of New Jersey for specialized community based services.

STATE AID

Notwithstanding the provisions of any law or regulation to the contrary, none of the monies appropriated to the Department of Health are appropriated to public health priority programs under P.L.1966, c.36 (C.26:2F-1 et seq.) as amended.

20 Physical and Mental Health
22 Health Planning and Evaluation
DIRECT STATE SERVICES

06-4260 Long Term Care Services	$4,598,000
07-4270 Health Care Systems Analysis	1,456,000
Total Direct State Services Appropriation, Health Planning and Evaluation	$6,054,000

Direct State Services:

Personal Services:	
Salaries and Wages	($3,948,000)
Materials and Supplies	(73,000)
Services Other Than Personal	(441,000)
Maintenance and Fixed Charges	(176,000)
Special Purpose:	
06 Nursing Home Background Checks/Nursing Aide Certification Program	(979,000)
06 Implement Patient Safety Act	(400,000)
Additions, Improvements and Equipment	(37,000)

There are appropriated such sums as are required to the "Health Care Facilities Improvement Fund" to provide available resources in an emergency situation at

a health care facility, as defined by the Commissioner of Health, or for closure of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from fees charged for processing Certificate of Need applications and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

07-4270 Health Care Systems Analysis..... $131,454,000
Total Grants-in-Aid Appropriation, Health Planning and Evaluation $131,454,000

Grants-in-Aid:

07 Health Care Subsidy Fund Payments.....($17,018,000)
07 Hospital Asset Transformation Program.....(1,541,000)
07 Hospital Delivery System Reform Incentive Payments - DSRIP.....(62,645,000)
07 Hackensack University Medical Center Mobile Satellite Emergency Department.....(250,000)
07 Graduate Medical Education.....(50,000,000)

Notwithstanding the provisions of any law or regulation to the contrary, any revenues collected from the tax on cosmetic medical procedures pursuant to P.L.2004, c.53 (C.54:32E-1) shall be deposited into the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) for the support of payments to federally qualified health centers.

Notwithstanding the provisions of any law or regulation to the contrary, as a condition of the receipt of any monies hereunder by an acute care hospital that is requesting an advance of charity care/Medicaid or payments from the "Health Care Facilities Improvement Fund" or any payments over and above this act, the hospital shall comply with a request by the Commissioner of Health for a review of its finances and operations to ensure that access to health care is maintained and public funds are utilized for their intended purposes. The cost of such review shall be borne by the acute care hospital and shall comply with any financial and operational performance requirements imposed by the commissioner as deemed necessary as a result of the review.

Notwithstanding the provisions of section 3 of P.L.2004, c.113 (C.26:2H-18.59i) or any law or regulation to the contrary, the appropriation for Health Care Subsidy Fund Payments in State Fiscal Year (SFY) 2015 shall be calculated in the following manner: (a) source data used shall be from calendar years (CY) 2012, 2011, and 2010 for documented charity care claims data and hospital-specific gross revenue for charity care patients and shall include all adjustments and void claims related to calendar years 2012, 2011, 2010, and any prior year submitted claims, as submitted by each acute care hospital or determined by the Department of Health (DOH); (b) source data used for CY 2012 documented charity care for each hospi-

tal's total gross revenue for all patients shall be from the CY 2012 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DOH advance submission request dated February 15, 2013, as submitted by each acute care hospital by March 20, 2013, and source data used for Medicare Cost Report data shall be from CY 2011; (c) in the event that an eligible hospital failed to submit by March 20, 2013, its total gross revenue for all patients from the CY 2012 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data according to the DOH advance submission request dated February 15, 2013, source data from CY 2011 shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (d) source data used for CY 2011 documented charity care for each hospital's total gross revenue for all patients shall be from the CY 2011 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DOH advance submission request dated February 13, 2012, as submitted by each acute care hospital by March 16, 2012, and source data used for Medicare Cost Report data shall be from CY 2010; (e) in the event that an eligible hospital failed to submit by March 16, 2012, its total gross revenue for all patients from the CY 2011 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data according to the DOH advance submission request dated February 13, 2012, source data from CY 2010 shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (f) source data used for CY 2010 documented charity care for each hospital's total gross revenue for all patients shall be from the CY 2010 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DOH advance submission request dated February 10, 2011, as submitted by each acute care hospital by March 10, 2011, and source data used for Medicare Cost Report data shall be from CY 2009; (g) in the event that an eligible hospital failed to submit by March 10, 2011, its total gross revenue for all patients from the CY 2010 Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data according to the DOH advance submission request dated February 10, 2011, source data from CY 2009 shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (h) each eligible hospital's charity care subsidy allocation for SFY 2014 as announced by DOH in July 2013, for this calculation purpose only, shall be initially split into three pools, one that equals 78.5% of its SFY 2014 allocation, another that equals 20% of its SFY 2014 allocation, and another that equals 1.5% of its SFY 2014 allocation; (i) each pool amount in subsection h. above shall be reduced in a proportionately equal manner by multiplying each value by the ratio of 650 divided by 675 to simulate an SFY14 subsidy total for all hospitals of $650,000,000; (j) for each eligible hospital the difference between its CY 2012 documented charity care and its CY 2011 documented charity care shall be calculated, then the percentage change in documented charity care for each eligible hospital shall be obtained by dividing this

difference by its CY 2011 documented charity care; (k) for each eligible hospital the ratio of its CY 2012 documented charity care divided by the total CY 2012 documented charity care for all hospitals shall be calculated; (l) for each eligible hospital the percentage change in documented charity care as calculated in accordance with subsection j. above shall be multiplied by the CY 2012 documented charity care ratio calculated in subsection k. above; (m) for each eligible hospital the value calculated in accordance with subsection l. above shall be multiplied by the total of the 20% pool for all eligible hospitals as calculated in subsections h. and i. above; (n) for each eligible hospital the value calculated in accordance with subsection m. above shall be added to its 20% pool value as calculated in subsections h. and i. above; (o) each eligible hospital that demonstrates an increase in their calendar year documented charity care from 2010 to 2011 and from 2011 to 2012 shall be eligible for participation in the 1.5% pool, and hospitals that do not demonstrate the increasing trend shall receive an amount of $0 for their 1.5% pool amount; (p) each hospital that is eligible for the 1.5% pool based on the trend evaluation in subsection o. above shall receive the amount of their initial 1.5% pool amount as calculated in subsections h. and i. above, then multiplied by a common factor until the total of the 1.5% pool for these eligible hospitals equals the total of the 1.5% pool as calculated in subsections h. and i. above; (q) for each eligible hospital the amount calculated in subsections h. and i. above for its 78.5% pool, subsection n. above for its adjusted 20% pool, and subsections o. and p. above for its adjusted 1.5% pool shall be added together producing the preliminary SFY 2015 charity care subsidy allocation for each eligible hospital; (r) notwithstanding the provisions above, an eligible hospital shall not receive more than $1.10 in subsidy for each dollar of CY 2012 documented charity care; (s) notwithstanding the provisions above, an eligible hospital shall not receive a lower SFY 2015 charity care subsidy allocation than its SFY 2014 charity care subsidy allocation if it had increased documented charity care as calculated in subsection k. above, and an eligible hospital shall not receive a greater SFY 2015 charity care subsidy allocation than its SFY 2014 charity care subsidy allocation if it had decreased documented charity care as calculated in subsection k. above; (t) if necessary, a proportionate increase or decrease shall be applied to the 20% pool value as calculated in subsections m. and n. above for each eligible hospital based on its percentage of total CY 2012 documented charity care such that the total calculated SFY 2015 charity care subsidy allocation for all hospitals shall equal $650,000,000, except that the proration applied to the subsidy for any eligible hospital shall be modified as necessary to comply with subsections r. and s. above; and (u) the resulting number will constitute each eligible hospital's SFY 2015 charity care subsidy allocation.

Notwithstanding the provisions of any law or regulation to the contrary, any funds remaining as the result of a closure of a hospital eligible to receive Disproportionate Share Hospital (DSH) funds shall be redistributed at the discretion of the Commissioner of Health. Factors the commissioner will consider shall include, but not be limited to, maintenance of continued timely access to essential health

services for persons eligible to participate in charity care, and continued operation in the same or adjoining municipality as the closed hospital of an acute care hospital, eligible to receive DSH funds, and serving substantially the same eligible population. Notice of such redistribution shall be provided to the Joint Budget Oversight Committee within five business days of each redistribution.

The amounts hereinabove appropriated for Health Care Subsidy Fund Payments are conditioned upon the following provision: the Department of Health shall review, examine and/or audit any and all financial information maintained by an acute care hospital to ensure appropriate use of public funds.

The amounts hereinabove appropriated for charity care or other funding to a health care facility is conditioned upon the following requirement: such health care facility shall participate in planning meetings supervised by the Department of Health for the planning of the provision of hospital, medical, or health programs and services, and shall, to the extent permitted by State and federal law, share patient-level data as needed to facilitate such purposes.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the Health Care Subsidy Fund for charity care payments are subject to the following condition: In a manner determined by the Commissioner of Health and subject to the approval of the Director of the Division of Budget and Accounting, eligible hospitals shall receive (1) their charity care subsidy payments beginning in July 2014, and (2) their January 2015 payments in December 2014.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Graduate Medical Education (GME) are conditioned upon the following: except as otherwise provided and subject to such modifications as may be required by the Centers for Medicare and Medicaid Services in order to achieve any required federal approval, a hospital's GME distribution shall be calculated based on data from the hospital's 2012 Medicaid cost report and shall be comprised of two components calculated as described below. The first component shall be defined as an amount equal to 50% of each facility's aggregate State Fiscal Year (SFY) 2014 GME distribution. The sum of this first component for all hospitals shall be totaled and subtracted from the full appropriated GME subsidy amount of $100,000,000 for SFY 2015, with the resulting amount representing the aggregate amount available for distribution as the second component. The aggregate amount of the second component shall be split into a Direct Medical Education (DME) allocation, which shall be calculated by multiplying the second component amount by the ratio of 2012 total median Medicaid managed care DME costs-to-2012 total median Medicaid managed care GME costs, and an Indirect Medical Education (IME) allocation, which shall be calculated by multiplying the second component amount by the ratio of 2012 total Medicaid managed care IME costs-to-2012 Medicaid managed care GME costs. Each hospital's percentage of total 2012 Medicaid managed care DME costs shall be multiplied by the DME allocation to calculate its DME payment. Each hospital's percentage of total 2012 Medicaid managed care IME costs shall be multiplied by the IME allocation

to calculate its IME payment. The sum of a hospital's DME and IME payments equal its second component payment. The sum of the first and second components shall comprise the hospital's total SFY 2015 GME allocation, to be distributed in twelve monthly payments. The total amount of these payments shall not exceed $100,000,000. In the event that a hospital reported less than twelve months of 2012 Medicaid costs, the number of reported months of data regarding days, costs, or payments shall be annualized. In the event that a hospital did not report its Medicaid managed care days on the cost report utilized in this calculation, the Department of Health (DOH) shall ascertain the Medicaid managed care encounter days for Medicaid and NJ FamilyCare clients as reported by insurers to the State for the following reporting period: service dates between January 1, 2012 and December 31, 2012; payment dates between January 1, 2012 and December 31, 2013; and a run-date of January 8, 2014. Medicaid managed care DME cost is defined as the approved intern and residency program costs using the 2012 Medicaid cost report total residency costs, reported on Worksheet B Pt I Column 21 Line 21 plus Worksheet B Pt I Column 22 Line 22 divided by 2012 resident full time equivalent employees (FTE), reported on Worksheet S-3 Part 1 Column 9 Line 12, to develop an average cost per FTE for each hospital used to calculate the overall median cost per FTE. The median cost per FTE is multiplied by the 2012 resident FTE reported on Worksheet S-3 Part 1 Column 9 Line 12 to develop approved total residency program costs. The approved residency costs are multiplied by the quotient of Medicaid managed care days, reported on Worksheet S-3 Column 5 Line 2, divided by the quantity of total days, reported on Worksheet S-3 Column 8 Line 14, less nursery days, reported on Worksheet S-3 Column 8 Line 13. Medicaid managed care IME cost is defined as the Medicare IME factor multiplied by Medicaid managed care encounter payments for Medicaid and NJ FamilyCare clients as reported by insurers to the State for the following reporting period: service dates between January 1, 2012 and December 31, 2012; payment dates between January 1, 2012 and December 31, 2013; and a run-date of January 8, 2014. The IME factor is calculated using the Medicare IME formula as follows: $1.35 * [(1 + x)^{0.405} - 1]$, in which "x" is the quotient of submitted IME resident FTE reported on Worksheet S-3 Part 1 Column 9 Line 12 divided by the quantity of total available beds less nursery beds reported Worksheet S-3 Part 1 Column 1 Line 12. In the event that a hospital believes that there are mathematical errors in the calculations, or that data do not match the actual source documents used to calculate the subsidy as defined above, the hospital shall be permitted to file a calculation appeal within 15 working days of receipt of the subsidy allocation letter. If upon review it is determined by the DOH that an error has occurred and would constitute at least a five percent change in the hospital's allocation amount, a revised industry-wide allocation shall be issued.

There are appropriated such additional sums as are required to pay all amounts due from the State pursuant to any contract entered into between the State Treasurer and the New Jersey Health Care Facilities Financing Authority pursuant to sec-

tion 6 of P.L.2000, c.98 (C.26:2I-7.1) in connection with the Hospital Asset Transformation Program.

In addition to the amount hereinabove appropriated for Health Care Systems Analysis, an amount not to exceed $1,000,000 is appropriated from amounts assessed and collected by the Department of Banking and Insurance pursuant to section 9 of P.L.2007, c.330 (C.17:1D-2), for the purpose of funding costs associated with the development and maintenance of the New Jersey Health Information Network, subject to a plan prepared by the Department of Health and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Hospital Delivery System Reform Incentive Payments Program are subject to the following condition: a hospital's payment shall be calculated and distributed as set forth in the Delivery System Reform Incentive Payments (DSRIP) funding and mechanics protocol and any approved amendments thereto as approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), in connection with the New Jersey Comprehensive Medicaid 1115 Waiver.

The amount hereinabove appropriated for the Hospital Delivery System Reform Incentive Payments (DSRIP) program is subject to the following condition: the Department of Health shall promptly file with the Presiding Officers of the Legislature copies of any reports or other determinations regarding DSRIP eligibility or plan performance, including but not limited to whether or not a hospital has satisfied any eligibility benchmarks required for receipt of DSRIP funding, which are made by the State or received from CMS.

20 Physical and Mental Health
25 Health Administration
DIRECT STATE SERVICES

99-4210 Administration and Support Services	$4,460,000
Total Direct State Services Appropriation, Health Administration	$4,460,000

Direct State Services:

Personal Services:	
Salaries and Wages	($2,685,000)
Materials and Supplies	(49,000)
Services Other Than Personal	(226,000)
Special Purpose:	
99 Office of Minority and Multicultural Health	(1,500,000)
Department of Health, Total State Appropriation	$361,531,000

Consistent with the provisions of P.L.2005, c.237, $40,000,000 from the surcharge on each general hospital and each specialty heart hospital is appropriated to fund federally qualified health centers. Any unexpended balance at the end of the

preceding fiscal year in the Health Care Subsidy Fund received through the hospital and other health care initiatives account during the preceding fiscal year is appropriated for payments to federally qualified health centers.

Receipts from licenses, permits, fines, penalties, and fees collected by the Department of Health, in excess of those anticipated, are appropriated, subject to a plan prepared by the department and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57) or any law or regulation to the contrary, the first $1,200,000 in per adjusted admission charge assessment revenues, attributable to $10 per adjusted admission charge assessments made by the Department of Health, shall be anticipated as revenue in the General Fund available for health-related purposes. Furthermore, the remaining revenue attributable to this fee shall be available to carry out the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57), as determined by the Commissioner of Health, and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer shall transfer to the Health Care Subsidy Fund, established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58), only those additional revenues generated from third party liability recoveries, excluding Medicaid, by the State arising from a review by the Director of the Division of Budget and Accounting of hospital payments reimbursed from the Health Care Subsidy Fund with service dates that are after the date of enactment of P.L.1996, c.29.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Health, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees, fines, penalties and assessments owed to the Department of Health shall be offset against payments due and owing from other appropriated funds.

In addition to the amount hereinabove appropriated, receipts from the federal Medicaid (Title XIX) program for health services-related programs throughout the Department of Health are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Health Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$47,425,000
Grants-in-Aid	$314,106,000
Appropriations by Fund:	
General Fund	$361,002,000
Property Tax Relief Fund	$529,000

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54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
23 Mental Health and Addiction Services
DIRECT STATE SERVICES

10-7710 Patient Care and Health Services $228,533,000
99-7710 Administration and Support Services 56,811,000
Total Direct State Services Appropriation, Mental Health and Addiction Services $285,344,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($252,882,000)
Materials and Supplies ..... (15,430,000)
Services Other Than Personal ..... (10,284,000)
Maintenance and Fixed Charges ..... (4,677,000)
Special Purpose:
10 Interim Assistance ..... (809,000)
Additions, Improvements and Equipment ..... (1,262,000)

Receipts recovered from advances made under the Interim Assistance program in the mental health institutions are appropriated for the same purpose.

The unexpended balances at the end of the preceding fiscal year in the Interim Assistance program accounts in the mental health institutions are appropriated for the same purpose.

The amount hereinabove appropriated for the Division of Mental Health and Addiction Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations are first charged to the federal disproportionate share hospital (DSH) reimbursements anticipated as Medicaid uncompensated care. As such, DSH revenues earned by the State related to services provided by county psychiatric hospitals which are supported through this State Aid appropriation, shall be considered as the first source supporting the State Aid appropriation.

7700 Division of Mental Health and Addiction Services
DIRECT STATE SERVICES

99-7700 Administration and Support Service $17,494,000
Total Direct State Services Appropriation, Division of Mental Health and Addiction Services $17,494,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($15,026,000)
Materials and Supplies ..... (91,000)
Services Other Than Personal ..... (1,875,000)
Maintenance and Fixed Charges ..... (186,000)
Special Purpose:
Additions, Improvements and Equipment ..... (316,000)

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et seq.).

There is appropriated from the "Drug Enforcement and Demand Reduction Fund" $350,000 to carry out the provisions of P.L.1995, c.318 (C.26:2B-36 et seq.) to establish an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

08-7700	Community Services	$373,277,000
09-7700	Addiction Services	32,912,000
	Total Grants-in-Aid Appropriation, Division of Mental Health and Addiction Services	$406,189,000

Grants-in-Aid:

08	Olmstead Support Services	($96,006,000)
08	Community Care	(259,326,000)
08	Univ. Behavioral Healthcare Centers - Newark (Rutgers, the State University)	(6,165,000)
08	Univ. Behavioral Healthcare Centers - Piscataway (Rutgers, the State University)	(11,780,000)
09	Substance Abuse Treatment for DCP&P/ WorkFirst Mothers	(1,421,000)
09	Community Based Substance Abuse Treatment and Prevention - State Share	(22,781,000)
09	Medication Assisted Treatment Initiative	(7,167,000)
09	Compulsive Gambling	(650,000)
09	Mutual Agreement Parolee Rehabilitation Project for Substance Abusers	(893,000)

An amount not to exceed $2,490,000 may be transferred from the Olmstead Support Services account to the Health Care Subsidy Fund Payments account in the Department of Health, to increase the Mental Health Subsidy Fund portion of this account in order to maintain an amount not to exceed the fiscal 2008 per bed allocation for Short-Term Care Facility (STCF) beds, for new STCF beds which opened after January 1, 2008, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year of appropriations made to the Department of Human Services by section 20 of P.L.1989, c.51 for State-licensed or approved drug abuse prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $1,000,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for drug abuse services.

In addition to the amount hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention - State Share, there is appropriated $1,500,000 from the "Drug Enforcement and Demand Reduction Fund" for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $500,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for the Sub-Acute Residential Detoxification Program.

In addition to the amount hereinabove appropriated for Compulsive Gambling, an amount not to exceed $200,000 is appropriated from the annual assessment against permit holders to the Department of Human Services for prevention, education, and treatment programs for compulsive gambling pursuant to the provisions of section 34 of P.L.2001, c.199 (C.5:5-159), subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated $420,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Local Alcoholism Authorities-Expansion program.

Notwithstanding the provisions of any law or regulation to the contrary, monies in the "Alcohol Treatment Programs Fund" established pursuant to section 2 of P.L.2001, c.48 (C.26:2B-9.2), not to exceed $12,500,000, are appropriated, as determined by the Assistant Commissioner or designee of the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting, for grants to providers of addiction services for capital construction projects selected and approved by the Assistant Commissioner of the Division of Mental Health and Addiction Services provided that: (1) such grants are made only after the Division of Property Management and Construction (DPMC) has reviewed and approved the proposed capital projects for validity of estimated costs and scope of the project; (2) the capital projects selected by the Assistant Commissioner of the Division of Mental Health and Addiction Services shall be based upon the need to retain existing capacity, complete the construction of previously funded projects which are currently under contract and necessary for the delivery of addiction services, or to relocate existing facilities to new sites; (3) the capital projects may consist of new construction and/or renovation to maintain and increase capacity at existing sites or at new sites; (4) the grant agreement entered into between the Assistant Commissioner of the Division of Mental Health and Addiction Services and the Grantee, or the governmental entity, as the case may be, described below, shall follow all applicable grant procedures which shall include, in addition to all other provisions, requirements for oversight by DPMC; (5) receipt of grant monies pursuant to this appropriation shall not obligate or require the Division of Mental Health and Addiction Services to provide any additional funding to the provider of addiction services to operate their existing facilities or the facility being funded through the construction grant; and (6) instead of the grant being made to the eligible provider for the approved capital project, the grant may be made to a

governmental entity to undertake the approved capital project on behalf of the provider of addiction services.

Notwithstanding the provisions of P.L.1983, c.531 (C.26:2B-32 et seq.) or any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Alcohol Education, Rehabilitation and Enforcement Fund is appropriated and shall be distributed to counties for the treatment of alcohol and drug abusers and for education purposes.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention - State Share, an amount not to exceed $1,600,000 is appropriated from the unexpended balances of fees paid into the Alcohol Education, Rehabilitation and Enforcement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other law or regulation to the contrary, monies in the "Alcohol Treatment Programs Fund" established pursuant to section 2 of P.L.2001, c.48 (C.26:2B-9.2), and the amounts hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention - State Share, are hereby appropriated, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of engaging the Division of Property Management and Construction (DPMC) to retain architects and consultants as deemed necessary by DPMC to review the proposed plans for capital construction projects for facilities providing addiction treatment services submitted by providers of addiction treatment services to the Division of Mental Health and Addiction Services to enable DPMC to determine the best facility layout at the lowest possible cost, to monitor the capital projects during design and construction, to provide assistance to the grantee with respect to the undertaking of the capital projects, and to advise the Assistant Commissioner or designee of the Department of Human Services as may be required.

There is appropriated $1,000,000 from the "Drug Enforcement and Demand Reduction Fund" to the Department of Human Services for a grant to Partnership for a Drug-Free New Jersey.

In addition to the amount hereinabove appropriated for Compulsive Gambling, an amount equal to one-half of forfeited winnings collected by the Division of Gaming Enforcement, not to exceed $50,000 annually, shall be deposited into the State General Fund for appropriation to the Department of Human Services to provide funds for compulsive gambling treatment and prevention programs, pursuant to section 2 of P.L.2001, c.39 (C.5:12-71.3), subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and assure timely payment to service providers, funds may be transferred within the Grants-In-Aid accounts within the Division of Mental Health and Addiction Services, in a cumulative amount not to exceed $4,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1998, c.149 or any law or regulation to the contrary, $400,000 is appropriated from the Body Armor Replacement Fund to the Division of Mental Health and Addiction Services for the purposes of the "Law Enforcement Officer Crisis Intervention Services" Hotline and the reporting and operations of the Cop 2 Cop program.

The unexpended balance at the end of the preceding fiscal year in the Community Care account, not to exceed $2,400,000, is appropriated for the Involuntary Outpatient Commitment Program.

An amount not to exceed $7,900,000 may be transferred from the Community Care Grants-In-Aid account within the Division of Mental Health and Addiction Services to the General Assistance Medical Services account within the Division of Medical Assistance and Health Services to reimburse the State share expended for Community Support Services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Substance Abuse Treatment for DCP&P/WorkFirst Mothers, Community Based Substance Abuse Treatment and Prevention - State Share, Medication Assisted Treatment Initiative, and Mutual Agreement Parolee Rehabilitation Project for Substance Abusers are subject to the following condition: all providers of addiction services under these programs shall be required, not later than January 1, 2015, to enroll as Medicaid providers and to bill the State Medicaid program for all appropriate services provided to eligible beneficiaries who are covered under the Medicaid State Plan.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, the amounts hereinabove appropriated may be transferred from the Substance Abuse Treatment for DCP&P/WorkFirst Mothers, Community Based Substance Abuse Treatment and Prevention - State Share, Medication Assisted Treatment Initiative, and Mutual Agreement Parolee Rehabilitation Project for Substance Abusers accounts in the Division of Mental Health and Addiction Services to the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

STATE AID

08-7700 Community Services $130,165,000
(From Property Tax Relief Fund..... $130,165,000)
Total State Aid Appropriation, Division of Mental Health and Addiction Services..... $130,165,000
(From Property Tax Relief Fund..... $130,165,000)

State Aid:

08 Support of Patients in County Psychiatric Hospitals
(PTRF).....($130,165,000)

The unexpended balance at the end of the preceding fiscal year in the Support of Patients in County Psychiatric Hospitals account is appropriated for the same purpose.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, the State share of payments from the Support of Patients in County Psychiatric Hospitals account to the several county psychiatric facilities on behalf of the reasonable cost of maintenance of patients deemed to be county indigents shall be at the rate of 125% of the rate established by the Commissioner of Human Services for the period July 1 to December 31 and at the rate of 45% of the rate established by the Commissioner of Human Services for the period January 1 to June 30 such that the total amount to be paid by the State on behalf of county indigent patients for the calendar year shall not exceed 85% of the total reasonable per capita cost; and further provided that the rate at which the State will reimburse the county psychiatric hospitals shall not exceed 100% of the per capita rate at which each county pays to the State for the reasonable cost of maintenance and clothing of each patient residing in a State psychiatric facility, excluding the depreciation, interest and carry-forward adjustment components of this rate, and including the depreciation, interest, and carry-forward adjustment components of each individual county psychiatric hospital's rate established for the period January 1 to December 31 by the Commissioner of Human Services. The initial determination of whether a county hospital rate exceeds the per capita rate that counties pay to the State on behalf of applicable patients residing in a State psychiatric facility will be based on a comparison of estimated cost used to set reimbursement rates for the upcoming calendar year. A second comparison of the actual per diem costs of the county psychiatric hospital and State psychiatric hospitals will be completed after actual cost reports for the period are available including an inflationary adjustment for the six-month difference in fiscal reporting periods between State and county hospitals. The county hospital carry-forward adjustment to be included in rates paid by the State will exclude costs found to exceed 100% of the actual cost rate of the State psychiatric facilities.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provision: payments to county psychiatric hospitals will only be made after receipt of their claims by the Division of Mental Health and Addiction Services. County psychiatric hospitals shall submit such claims no less frequently than quarterly and within 15 days of the close of each quarter.

With the exception of all past, present, and future revenues representing federal financial participation received by the State from the United States that is based on payments to hospitals that serve a disproportionate share of low-income patients, which shall be retained by the State, the sharing of revenues received to defray the State Aid appropriation for the costs of maintaining patients in State

and county psychiatric hospitals shall be based on the same percent as costs are shared between the State and counties.

The amount hereinabove appropriated for State Aid reimbursement payments for maintenance of patients in county psychiatric facilities shall be limited to inpatient services only, except that such reimbursement shall be paid to a county for outpatient and partial hospitalization services as defined by the Department of Human Services, if outpatient and/or partial hospitalization services had been previously provided at the county psychiatric facility prior to January 1, 1998. These outpatient and partial hospitalization payments shall not exceed the amount of State Aid funds paid to reimburse outpatient and partial hospitalization services provided during calendar year 1997. In addition, any revision or expansion to the number of inpatient beds or inpatient services provided at such hospitals which will have a material impact on the amount of State Aid payments made for such services, must first be approved by the Department of Human Services before such change is implemented.

The amount hereinabove appropriated for the Division of Mental Health and Addiction Services for State facility operations and the amount appropriated as State Aid for the costs of county facility operations are first charged to the federal Disproportionate Share Hospital (DSH) reimbursements anticipated as Medicaid uncompensated care. Accordingly, DSH revenues earned by the State related to services provided by county psychiatric hospitals which are supported through this State Aid appropriation shall be considered as the first source supporting the State Aid appropriation.

In addition to the amounts hereinabove appropriated for the Support of Patients in County Psychiatric Hospitals, in the event that the Assistant Commissioner of the Division of Mental Health and Addiction Services determines that, in order to provide the least restrictive setting appropriate, a patient should be admitted to a county psychiatric hospital in a county other than the one in which the patient is domiciled rather than to a State psychiatric hospital, there are hereby appropriated such additional sums as may be required, as determined by the Assistant Commissioner to reimburse a county for the extra costs, if any, which were incurred in connection with the care of such patient in a county psychiatric hospital which exceeded the cost of care which would have been incurred had the patient been placed in a State psychiatric hospital, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provisions: County psychiatric hospitals shall: (1) enroll and continue to maintain enrollment as providers in the State's Medicaid program; (2) complete or pursue in good faith the completion of eligibility applications for patients who could be Medicaid eligible; (3) bill the Medicaid program for all applicable services; and (4) neither admit nor discharge patients based upon Medicaid eligibility.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric

Hospitals is conditioned upon the county psychiatric hospitals providing and certifying all information that is required by the State, in the form specified by the Division of Mental Health and Addiction Services, to prepare a complete, accurate, and timely claim to federal authorities for Medicaid Disproportionate Share (DSH) claim revenues.

Notwithstanding the provisions of R.S.30:4-78, or any other law or regulation to the contrary, the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals is conditioned upon the following provisions: for rates effective January 1, 2013, and any prior year rate adjustments that may be required beginning January 1, 2013, the approval of the State House Commission shall not be required for the setting of such rates and the Commissioner of Human Services shall set the per capita cost rates to be paid by the State to the several counties on behalf of the reasonable cost of maintenance of State and county patients in any county psychiatric facility, including outpatient psychiatric services, the per capita rates which each county shall pay to the Treasurer for the reasonable cost of maintenance and clothing of each patient residing in a State psychiatric facility having a legal settlement in such county ("County Patients"), the rates to be paid for the reasonable cost of maintenance and clothing of the convict and criminal mentally ill in any State psychiatric facility and the cost of maintenance of County Patients residing in State developmental centers or receiving other residential functional services for the developmentally disabled. Such rates will be fixed no later than October 1 of each calendar year. Notice of such rates shall be provided by the Commissioner of Human Services to the clerk of the respective boards of chosen freeholders.

In the event that the Division of Mental Health and Addiction Services is notified that a county psychiatric hospital will cease operations for the current fiscal year, or any portion thereof, in order to assure continuity of care for patients who otherwise would have been served by the county hospital, as well as to preserve patient and public safety, the Division shall have the authority to transfer funds from the Support of Patients in County Psychiatric Hospitals account to Direct State Services and Grants-In-Aid accounts in the Division of Mental Health and Addiction Services, for the fiscal year, subject to a plan approved by the Director of the Division of Budget and Accounting.

24 Special Health Services

7540 Division of Medical Assistance and Health Services

DIRECT STATE SERVICES

21-7540 Health Services Administration and Management $30,854,000

Total Direct State Services Appropriation, Division of Medical Assistance and Health Services $30,854,000

Direct State Services:

Personal Services:

Salaries and Wages .....($12,257,000)

Materials and Supplies.....(109,000)

Services Other Than Personal ..... (2,936,000)
Maintenance and Fixed Charges ..... (63,000)
Special Purpose:
21 Payments to Fiscal Agents ..... (15,001,000)
21 Professional Standards Review Organization - Utilization Review ..... (309,000)
21 Drug Utilization Review Board - Administrative Costs ..... (10,000)
Additions, Improvements and Equipment ..... (169,000)

The unexpended balances at the end of the preceding fiscal year, in the Payments to Fiscal Agents account are appropriated for the same purpose.

Such funds as are necessary from the Health Care Subsidy Fund are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share hospitals for uncompensated care costs as defined in P.L.1991, c.187 (C.26:2H-18.24 et seq.), and for subsidized children's health insurance in the NJ FamilyCare Program established in P.L.2005, c.156 (C.30:4J-8 et al.) to maximize federal Title XXI funding, subject to the approval of the Director of the Division of Budget and Accounting.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited into the General Fund as anticipated revenue.

Notwithstanding the provisions of any law or regulation to the contrary, all past, present, and future revenues representing federal financial participation received by the State from the United States and that are based on payments made by the State to hospitals that serve a disproportionate share of low-income patients shall be deposited into the General Fund and may be expended only upon appropriation by law.

Notwithstanding the provisions of any law or regulation to the contrary, all revenues received from health maintenance organizations shall be deposited into the General Fund.

The amounts hereinabove appropriated for Personal Services are conditioned upon the Department of Human Services working collaboratively with the various county corrections agencies to promote the proper enrollment in the Medicaid program of all eligible inmates requiring medical services. The department shall provide guidance to the county corrections agencies on this subject and, upon request, shall provide such additional assistance as may be necessary to support the counties in ensuring that all eligible Medicaid reimbursements are properly claimed consistent with federal law.

GRANTS-IN-AID

22-7540 General Medical Services $3,109,363,000
Total Grants-in-Aid Appropriation, Division of Medical Assistance and Health Services $3,109,363,000

Grants-in-Aid:

22 Payments for Medical Assistance Recipients - Adult Mental Health Residential ..... ($30,916,000)
22 Managed Care Initiative ..... (2,109,662,000)
22 ACA Health Insurance Providers Fee ..... (39,151,000)
22 Payments for Medical Assistance Recipients - ICF/MR ..... (3,642,000)
22 Payments for Medical Assistance Recipients - Inpatient Hospitals ..... (226,112,000)
22 Payments for Medical Assistance Recipients - Prescription Drugs ..... (205,527,000)
22 Payments for Medical Assistance Recipients - Outpatient Hospital ..... (77,999,000)
22 Payments for Medical Assistance Recipients - Physician Services ..... (23,726,000)
22 Payments for Medical Assistance Recipients - Medicare Premiums ..... (169,073,000)
22 Payments for Medical Assistance Recipients - Psychiatric Hospital ..... (6,851,000)
22 Payments for Medical Assistance Recipients - Clinic Services ..... (81,043,000)
22 Payments for Medical Assistance Recipients - Transportation Services ..... (51,121,000)
22 Payments for Medical Assistance Recipients - Other Services ..... (4,063,000)
22 Eligibility Determination Services ..... (13,687,000)
22 Health Benefit Coordination Services ..... (15,152,000)
22 NJ FamilyCare - Affordable and Accessible Health Coverage Benefits ..... (43,892,000)
22 Programs for Assertive Community Treatment ..... (7,746,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from Payments for Medical Assistance Recipients - Adult Mental Health Residential and Payments for Medical Assistance Recipients - Other Services accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Payments for Medical Assistance Recipients - Personal Care and Payments for Medical Assistance Recipients - Other Services accounts in the Division of Disability Services in the Department of Human Services. Amounts may also be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services

for the Aged program classification in the Division of Aging Services in the Department of Human Services. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

For the purposes of account balance maintenance, all object accounts appropriated in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification.

Notwithstanding the provisions of any law or regulation to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: the Commissioner of Human Services shall have the authority to convert individuals enrolled in a State-funded program who are also eligible for a federally matchable program, to the federally matchable program without the need for regulations.

In addition to the amounts hereinabove appropriated for payments to providers on behalf of medical assistance recipients, such additional amounts as may be required are appropriated from the General Fund to cover costs consequent to the establishment of presumptive eligibility for children, pregnant women, single adults and childless couples, and parents and caretaker relatives in the Medicaid (Title XIX) program and the NJ FamilyCare Program as defined in P.L.2005, c.156 (C.30:4J-8 et al.).

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.) or any law or regulation to the contrary, no funds are appropriated to the Medical Assistance for the Aged program, which has been eliminated.

Notwithstanding the provisions of any law or regulation to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: when any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the current fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to federal approval, of the amounts appropriated in the General Medical Services program class, the Commissioner of Human Services is authorized to develop and introduce optional service plan innovations to enhance client choice for users of Medicaid optional services, while containing expenditures.

The amount hereinabove appropriated for the Division of Medical Assistance and Health Services first shall be charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

The appropriations within the General Medical Services program classification shall be conditioned upon the following: the Division of Medical Assistance and Health Services (DMAHS), in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Managed Care Initiative account are subject to the following condition: Non-contracted hospitals providing emergency services to Medicaid or NJ FamilyCare members enrolled in the managed care program shall accept as payment in full 90% of the amounts that the non-contracted hospital would receive from Medicaid for the emergency services and/or any related hospitalization if the beneficiary were enrolled in Medicaid fee-for-service.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Medical Assistance Grants-In-Aid accounts from initiatives may be transferred to the Health Services Administration and Management accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, effective commencing at the beginning of the current fiscal year and subject to federal approval, of the amounts hereinabove appropriated to Payments for Medical Assistance Recipients - Inpatient Hospital, inpatient medical services provided through the Division of Medical Assistance and Health Services shall be conditioned upon the following provision: No funds shall be expended for hospital services during which a preventable hospital error occurred or for hospital services provided for the necessary inpatient treatment arising from a preventable hospital error, as shall be defined by the Commissioner of Human Services.

Of the amount hereinabove appropriated to Payments for Medical Assistance Recipients - Inpatient Hospital, the Division of Medical Assistance and Health Services is authorized to competitively bid and contract for performance of federally mandated inpatient hospital utilization reviews, and the funds necessary for the contracted utilization review of these hospital services are made available from the Payments for Medical Assistance Recipients - Inpatient Hospital account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in Payments for Medical Assistance Recipients - Inpatient Hospital and Payments for Medical Assistance Recipients - Outpatient Hospital are subject to the following condition: for an out-of-State hospital participating in the New Jersey Medicaid or NJ FamilyCare program, other than an out-of-State hospital for which payment is based on a binding settlement agreement between the State and such hospital, payment for claims with date of discharge on or after July 1, 2012, shall be equal to the lowest of the following three amounts: (i) the amount charged by the billing hospital for the rendered

services; (ii) the rate of payment for out-of-State hospitals as described at N.J.A.C.10:52-4.5(a) through (d); or (iii) the average Statewide rate of payment for New Jersey hospitals as described at N.J.A.C.10:52-4.3 (outpatient services) or the rate of payment as described at N.J.A.C.10:52-14.10 through N.J.A.C.10:52-14.16 (inpatient services) utilizing the Statewide base rate as the hospital's final rate and an average hospital inpatient cost-to-charge ratio.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. 447.205, of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Adult Mental Health Residential, personal care assistant services shall be limited to no more than 25 hours per week, per recipient.

Of the amount hereinabove appropriated within the General Medical Services program classification, the Division of Medical Assistance and Health Services, subject to federal approval, shall implement policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The division shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources that is not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Of the revenues received as a result of sanctions to health maintenance organizations participating in Medicaid Managed Care, an amount not to exceed $500,000 is appropriated to the Managed Care Initiative or NJ KidCare A - Administration account to improve access to medical services and quality care through such activities as outreach, education, and awareness, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, State funding for the New Jersey Health ACCESS program shall cease, and all enrollment shall be terminated as of July 1, 2001, or at such later date as shall be established by the Commissioner of Human Services.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Prescription Drugs, the Commissioners of Human Services and Health shall establish a system to utilize unopened and unexpired prescription drugs previously dispensed but not administered to individuals residing in nursing facilities.

Rebates from pharmaceutical manufacturing companies during the current fiscal year for prescription expenditures made to providers on behalf of Medicaid clients are appropriated for the Payments for Medical Assistance Recipients - Prescription Drugs account.

Notwithstanding the provisions of any law or regulation to the contrary, the hereinabove appropriation for Payments for Medical Assistance Recipients - Prescription Drugs shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. 447.205 where applicable, the appropriation in the Payments for Medical Assistance Recipients - Physician Services account shall be conditioned upon the following provisions: (a) reimbursement for the cost of physician-administered drugs shall be consistent with reimbursement for legend and non-legend drugs; and (b) reimbursement for physician-administered drugs shall be limited to those drugs supplied by manufacturers who have entered into the federal Medicaid Drug Rebate Agreement and are subject to drug rebate rules and regulations consistent with this agreement. The Division of Medical Assistance and Health Services shall collect and submit utilization and coding information to the Secretary of the United States Department of Health and Human Services for all single source drugs administered by physicians.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. 447.205, approved nutritional supplements which are hereinabove appropriated in the Payments for Medical Assistance Recipients - Prescription Drug program shall be consistent with reimbursement for legend and non-legend drugs.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Payments for Medical Assistance Recipients - Prescription Drugs and NJ FamilyCare accounts shall be conditioned upon the following provision: each prescription order for protein nutritional supplements and specialized infant formulas dispensed shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated to the Payments for Medical Assistance Recipients - Prescription Drugs account, the capitated dispensing fee payments to providers of pharmaceutical services for residents of nursing facilities shall be adjusted to reflect the reduced prescription volume disbursed by Medicaid as a primary payer since the implementation of the Medicare Part D program; provided that subject to the execution of a signed agreement by all affected long-term care pharmacies and the Division of Medical Assistance and Health Services and the payment by all affected long-term care pharmacies pursuant to such agreement, the capitated dispensing fee payments to providers of pharmaceutical services for residents of nursing facilities shall be modified and paid at the per diem equivalent of the retail pharmacy rate for the average number of prescriptions filled when Medicaid is the primary payer.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated to Payments for Medical Assistance Recipients - Prescription Drugs, no payment shall be expended for drugs used for the treatment of erectile dysfunction, select cough/cold medications as defined by the Commissioner of Human Services, or cosmetic drugs, including, but not limited to: drugs used for baldness, weight loss, and purely cosmetic skin conditions.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. 447.205 where applicable, the amount hereinabove appropriated for fee-for-service prescription drugs in the Payments for Medical Assistance Recipients - Prescription Drugs account are subject to the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one (1) percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on the (i) the lowest of the EAC, FUL or SUL plus a dispensing fee of $3.73 to $3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Outpatient Hospital, an amount not to exceed $1,900,000 is allocated for limited prenatal medical care for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services, an amount not to exceed $1,900,000 is allocated for limited prenatal medical care provided by clinics, or in the case of radiology and clinical laboratory services ordered by a clinic, for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

Notwithstanding the provisions of subsection (a) of N.J.A.C.10:60-5.7 and subsection (e) of N.J.A.C.10:60-11.2 to the contrary, the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services is conditioned upon the Commissioner of Human Services increasing the hourly nursing rates for Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing (EPSDT/PDN) services by $10 per hour above the fiscal year 2008 rate.

The amount hereinabove appropriated for Payments for Medical Assistance Recipients - Other Services, NJ FamilyCare, and NJ KidCare may be used to pay financial rewards to individuals or entities who report instances of health care-related fraud and/or abuse involving the programs administered by the Division

of Medical Assistance and Health Services (DMAHS) (including, but not limited to, the New Jersey Medicaid and NJ FamilyCare programs), or the Pharmaceutical Assistance to the Aged and Disabled (PAAD) or Work First New Jersey General Public Assistance programs. Rewards may be paid only when the reports result in a recovery by DMAHS, and only if other conditions established by DMAHS are met, and shall be limited to 10% of the recovery or $1,000, whichever is less. Notwithstanding the provisions of any law or regulation to the contrary, but subject to any necessary federal approval and/or change in federal law, receipt of such rewards shall not affect an applicant's individual financial eligibility for the programs administered by DMAHS, or for PAAD or Work First New Jersey General Public Assistance programs.

The amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services, may be used to reimburse Federally Qualified Health Centers (FQHCs) the higher of their Medicaid PPS encounter rate or the fee-for-service rate for specified deliveries and ob/gyn surgeries for clients not enrolled in managed care. Reimbursement for surgical assistants shall be at the fee-for-service rate for clients not enrolled in managed care. Managed care organizations shall reimburse FQHCs for these services and the FQHCs shall be carved out of wraparound reimbursement for these services.

Notwithstanding the provisions of any law or regulation to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), or in 42 U.S.C. s.1396a(a)(25)(A), including, but not limited to, a pharmacy benefit manager, writing health, casualty, workers' compensation, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Division of Medical Assistance and Health Services to permit and assist the matching no less frequently than on a monthly basis of the Medicaid, NJ FamilyCare, Charity Care, and Work First New Jersey General Public Assistance eligibility files and/or adjudicated claims files against that third party's eligibility file, including indication of coverage derived from the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and/or adjudicated claims file for the purpose of coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for the Medicaid program in the Payments for Medical Assistance Recipients - Prescription Drugs account are available to any pharmacy that does not agree to allow Medicaid to bill on its behalf any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), by participating in a billing agreement executed between the State and the pharmacy.

Notwithstanding the provisions of any law or regulation to the contrary, effective January 1, 2005, inpatient hospital reimbursements for Medical Assistance services for dually eligible individuals shall exclude Medicare Part A crossover payments according to a plan designed by the Commissioner of Human Services and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts expended from Payments for Medical Assistance Recipients - Medical Supplies shall be conditioned upon the following: reimbursement for adult incontinence briefs and oxygen concentrators shall be set at 70% of reasonable and customary charges.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation in the Payments for Medical Assistance Recipients - Clinic Services, Payments for Medical Assistance Recipients - Physician Services, Payments for Medical Assistance Recipients - Medical Supplies and Payments for Medical Assistance Recipients - Other Services shall be conditioned upon the following provision: no funds shall be expended for partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services to any provider who was not a Medicaid/NJ FamilyCare approved provider of partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services, respectively, prior to July 1, 2006 with the exception of new providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of any State law or regulation to the contrary, effective July 1, 2009, no payments for partial care services in mental health clinics, as hereinabove appropriated in Payments for Medical Assistance Recipients - Clinic Services shall be provided unless the services are prior authorized by professional staff designated by the Department of Human Services.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation hereinabove for Payments for Medical Assistance Recipients - Outpatient Hospital shall be conditioned upon the following provision: certifications shall not be granted for new or relocating offsite hospital-based entities in accordance with N.J.A.C.10:52-1.3 with the exception of providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.

The amounts hereinabove appropriated for the General Medical Services program classification are conditioned upon the Commissioner of Human Services making changes to such programs to make them consistent with the federal Deficit Reduction Act of 2005.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste and abuse, are appropriated to General Medical Services in the Division of Medical Assistance and Health Services.

Such amounts as may be necessary are appropriated from enhanced audit recoveries obtained by the Division of Medical Assistance and Health Services to fund the costs of enhanced audit recovery efforts of the division within the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Managed Care Initiative account are subject to the following condition: Effective July 1, 2011, the following services, which were previously covered by Medicaid fee-for-service, shall be covered and provided instead through a managed care delivery system for all clients served by and/or enrolled in that system: 1) home health agency services; 2) medical day care, including both adult day health services and pediatric medical day care; 3) prescription drugs; and 4) rehabilitation services, including occupational, physical, and speech therapies. The above condition shall be effective for personal care assistant services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Managed Care Initiative account are subject to the following condition: only the following individuals shall be excluded from mandatory enrollment in the Medicaid/NJ FamilyCare managed care program: (1) individuals who are institutionalized in an inpatient psychiatric institution, or an inpatient psychiatric program for children under the age of 21 or in a residential facility including facilities characterized by the federal government as ICFs/MR, except that individuals who are eligible through the Division of Child Protection and Permanency (DCP&P) and are placed in a DCP&P non-Joint Committee on Accreditation of Healthcare Organizations (JCAHO) accredited children's residential care facility and individuals in a mental health or substance abuse residential treatment facility shall not be excluded from enrollment pursuant to this paragraph; (2) individuals in out-of-State placements; (3) special low-income Medicare beneficiaries (SLMBs); and (4) individuals in the Program of All-Inclusive Care for the Elderly (PACE) program.

The unexpended balance at the end of the preceding fiscal year in the NJ FamilyCare - Affordable and Accessible Health Coverage Benefits account is appropriated for the same purpose.

Of the amount hereinabove appropriated for the NJ FamilyCare Program, there shall be transferred to various accounts, including Direct State Services and State Aid accounts, such amounts, not to exceed $6,000,000, as are necessary to pay for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection d. of section 5 of P.L.2005, c.156 (C.30:4J-12) or any law or regulation to the contrary, the appropriations hereinabove for Medicaid and NJ FamilyCare are subject to the following condition: the Department of Human Services may determine eligibility for the Medicaid and NJ FamilyCare programs by verifying income through any means authorized by the Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. 111-3, including through electronic matching of data files provided that any consents, if required, under State or federal law for such matching are obtained.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to NJ FamilyCare - Affordable and Accessible Health Coverage Benefits account are subject to the following conditions:

(a) as of July 1, 2011, all parents or caretakers whose applications to enroll in the NJ FamilyCare program were received on or after March 1, 2010: (i) whose family gross income does not exceed 200% of the federal poverty level; (ii) who have no health insurance, as determined by the Commissioner of Human Services; and (iii) who are ineligible for Medicaid shall not be eligible for enrollment in the NJ FamilyCare program and there shall be no future enrollments of such persons in the NJ FamilyCare program; and (b) as of July 1, 2011, any adult alien lawfully admitted for permanent residence, but who has lived in the United States for less than five full years after such lawful admittance and whose enrollment in the NJ FamilyCare program was terminated on or before July 1, 2010 shall not be eligible to be enrolled in the NJ FamilyCare program; provided, however, that this termination of enrollment and benefits shall not apply to such persons who are either (i) pregnant or (ii) under the age of 19.

Premiums received from families enrolled in the NJ FamilyCare program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.) are appropriated for NJ FamilyCare payments.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Managed Care Initiative are subject to the following condition: the Director of the Division of Medical Assistance and Health Services may restrict the number of provider agreements with managed care entities, if such restriction does not substantially impair access to services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the NJ FamilyCare - Affordable and Accessible Health Coverage Benefits and Managed Care Initiative are subject to the following conditions: as of January 1, 2014 or on such date established by the federal government for the Health Insurance Exchange pursuant to the Patient Protection and Affordable Care Act, the following groups of current enrollees shall be transitioned to the federal Health Insurance Exchange for continued health care coverage: a) adults or couples without dependent children who were enrolled in the New Jersey Health ACCESS program on October 31, 2001; b) all parents or caretakers who: (i) have gross family income that does not exceed 200% of the poverty level; (ii) have no health insurance, as determined by the Commissioner of Human Services; (iii) are ineligible for Medicaid, or (iv) are adult aliens lawfully admitted for permanent residence, but who have lived in the United States for less than five full years after such lawful admittance, and are enrolled in NJ FamilyCare; and c) Essential Persons (Spouses) whose coverage is funded solely by the State.

Notwithstanding the provisions of any law or regulation to the contrary, amounts appropriated to Payments for Medical Assistance Recipients - Outpatient Hospital for outpatient hospital reimbursement for all billable psychiatric services provided as an outpatient hospital service to all eligible individuals regardless of age, shall be paid at the lower of charges or the prospective hourly rates as defined in chapter 52 of Title 10 of the New Jersey Administrative Code, with the following exceptions and conditions which are effective for dates of service on

or after January 1, 2009 with dates of payment on or after July 1, 2013: (1) individual outpatient hospital psychiatric therapy for individuals age 21 and older, excluding partial hospitalization, shall be billed on a unit basis of 30 minutes, with a daily billing limit of two units per recipient per day and a 30 minute unit rate of $50.00; (2) outpatient hospital initial evaluative psychiatric testing for individuals age 21 and older, excluding partial hospitalization, shall be billed on a unit basis of 30 minutes with a daily billing limit of four units per recipient per day and a 30 minute unit rate of $62.50; (3) outpatient hospital psychiatric medication monitoring and medication management for individuals age 21 and older, excluding partial hospitalization, shall be billed on a unit basis of 15 minutes with a daily billing limit of two units per recipient per day and a 15 minute unit rate of $42.00. Costs related to outpatient hospital psychiatric services shall be excluded from outpatient hospital cost settlements.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the General Medical Services program classification are subject to the following condition: effective January 1, 2015, the Commissioner of Human Services is authorized to provide any or all types and levels of services that are provided through the Medicaid State Plan's Alternative Benefit Plan to any or all of the types of qualified applicants described in subparagraphs (1), (2), (4), (6), (7), (9), (10), (11), (12), (13), (16a), (17), (18), and (19) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3), subject to the approval of the Director of the Division of Budget and Accounting and subject to any required federal approval.

Notwithstanding the provisions of subparagraphs (8) of subsection i. of section 3 of P.L.1968, c.413 (C.30:4D-3) and subparagraphs (3), (4), and (5) of subsection g of section 6 of P.L.1968, c.413 (C.30:4D-6), or any other law or regulation to the contrary, the amounts hereinabove appropriated in the General Medical Services program classification are subject to the following conditions: in order to encourage home and community services as an alternative to nursing home placement, consistent with the federally approved 1115 Medicaid demonstration waiver and any approved amendments thereto, the Commissioner of Human Services is authorized to adjust financial eligibility and other requirements and services for medically needy eligibility groups, subject to the approval of the Director of the Division of Budget and Accounting and subject to any other required federal approval.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Eligibility Determination Services and Health Benefit Coordination Services are subject to the following condition: the Commissioner of Human Services is authorized to implement a pilot program, effective on or after January 1, 2015, to remove the Medicaid/NJ FamilyCare eligibility determination and redetermination process from one or more county welfare agencies, as determined by the Commissioner of Human Services, subject to any required federal approval.

In addition to the amounts hereinabove appropriated for Managed Care Initiative there are appropriated such sums as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

20 Physical and Mental Health
26 Division of Aging Services
DIRECT STATE SERVICES

20-7530	Medical Services for the Aged	$3,939,000
24-7530	Pharmaceutical Assistance to the Aged and Disabled	6,062,000
55-7530	Programs for the Aged	1,234,000
	(From General Fund	*$363,000)*
	(From Casino Revenue Fund	*871,000)*
57-7530	Office of the Public Guardian	634,000
	Total Direct State Services Appropriation, Division of Aging Services	$11,869,000
	(From General Fund	*$10,998,000)*
	(From Casino Revenue Fund	*871,000)*

Direct State Services:

Personal Services:	
Salaries and Wages	($7,715,000)
Salaries and Wages (CRF)	(796,000)
Materials and Supplies	(163,000)
Materials and Supplies (CRF)	(14,000)
Services Other Than Personal	(2,540,000)
Services Other Than Personal (CRF)	(47,000)
Maintenance and Fixed Charges	(437,000)
Maintenance and Fixed Charges (CRF)	(2,000)
Special Purpose:	
55 Federal Programs for the Aged	(143,000)
Additions, Improvements and Equipment (CRF)	(12,000)

When any action by a county welfare agency, whether alone or in combination with the Department of Human Services, results in a recovery of improperly granted medical assistance, the Department of Human Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is subject to the following condition: any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), or in 42 U.S.C. s.1396a(a)(25)(A), including but not limited to a pharmacy benefit manager writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Human Services to permit and assist the matching of the Department of Human Services' program eligibility and/or adjudication claims files against that third party's eligibility and/or adjudicated claims files for the pur-

pose of the coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

Receipts from the Office of the Public Guardian for Elderly Adults are appropriated to the Office of the Public Guardian.

GRANTS-IN-AID

20-7530 Medical Services for the Aged $1,012,240,000
(From General Fund ..... $1,012,120,000)
(From Casino Revenue Fund ..... 120,000)
24-7530 Pharmaceutical Assistance to the Aged and Disabled $81,899,000
(From General Fund ..... $72,459,000)
(From Casino Revenue Fund ..... 9,440,000)
55-7530 Programs for the Aged $46,046,000
(From General Fund ..... $31,298,000)
(From Casino Revenue Fund ..... 14,748,000)
Total Grants-in-Aid Appropriation, Division of Aging Services $1,140,185,000
(From General Fund ..... $1,115,877,000)
(From Casino Revenue Fund ..... 24,308,000)

Grants-in-Aid:

20 Payments for Medical Assistance Recipients - Nursing Homes ..... ($704,963,000)
20 Managed Long Term Services and Supports ..... (280,284,000)
20 Medical Day Care Services ..... (814,000)
20 PACE ..... (26,059,000)
20 Hearing Aid Assistance for the Aged and Disabled (CRF) ..... (120,000)
24 Pharmaceutical Assistance to the Aged - Claims ..... (2,250,000)
24 Pharmaceutical Assistance to the Aged and Disabled - Claims ..... (62,900,000)
24 Pharmaceutical Assistance to the Aged and Disabled - Claims (CRF) ..... (9,440,000)
24 Senior Gold Prescription Discount Program ..... (7,309,000)
55 Holocaust Survivor Assistance Program, Samost Jewish Family and Children's Service of Southern New Jersey ..... (400,000)
55 Community Based Senior Programs ..... (30,898,000)
55 Community Based Senior Programs (CRF) ..... (14,748,000)

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Medical Services for the Aged program classification in the Division of Aging Services, subject to the approval of the Director of

the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred between the various items of appropriation within the Medical Services for the Aged and Programs for the Aged program classifications to ensure the continuity of long-term care support services for beneficiaries receiving services within the Medical Services for the Aged program classification in the Division of Aging Services in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the preceding fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in the Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Subject to federal approval, the appropriations for those programs within the Medical Services for the Aged program classification are conditioned upon the Department of Human Services implementing policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The Division of Medical Assistance and Health Services and the Division of Aging Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Such amounts as may be necessary are hereinabove appropriated from enhanced audit recoveries obtained by the Department of Human Services to fund the costs of enhanced audit recovery efforts of the Department within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes are available for the payment of obligations applicable to prior fiscal years.

Such amounts as may be necessary are hereinabove appropriated from the General Fund for the payment of increased nursing home rates to reflect the costs in-

curred due to the payment of a nursing home provider assessment, pursuant to the "Nursing Home Quality of Care Improvement Fund Act," P.L.2003, c.105 (C.26:2H-92 et seq.), and P.L.2004, c.41, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.A.C.8:85 or any other law or regulation to the contrary and subject to any required federal approval, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and for Managed Long Term Services and Supports are subject to the following conditions: (1) each nursing facility that is being paid on a fee-for-service basis shall receive a Fiscal Year 2015 per diem reimbursement rate that is obtained by adjusting the calculation of the rate received on June 30, 2014 to incorporate an additional $8,500,000 in State and $8,500,000 in federal appropriations above the total gross Fiscal Year 2014 appropriations used to calculate the June 30, 2014 rate, provided that the rate setting methodology, parameters, and data used to calculate the Fiscal Year 2015 per diem reimbursement rate shall be otherwise identical to the rate setting methodology, parameters, and data used to calculate the June 30,2014 rate and provided, further, that the Fiscal Year 2015 per diem reimbursement rate shall not be less than the per diem rate received by that facility on June 30,2014; (2) nursing facilities that are being paid by a Managed Care Organization (MCO) for custodial care through a provider contract that includes a negotiated rate shall receive that negotiated rate; (3) any Class I (private) that is being paid by an MCO for custodial care through a provider contract but has not yet negotiated a rate shall receive the same per diem reimbursement rate as it received on June 30, 2014, as adjusted for the incorporation of the additional $17,000,000 in State and federal appropriations, and any Class II (county) nursing facility that is being paid by an MCO but has not yet negotiated a rate shall receive the per diem reimbursement rate it would have received on June 30, 2014, as adjusted for the incorporation of the additional $17,000,000 in State and federal appropriations, had it been a Class I nursing facility; (4) monies designated pursuant to subsection c. of section 6 of P.L.2003, c.105 (C.26:2H-97) for distribution to nursing facilities, less the portion of those funds to be paid as pass-through payments in accordance with paragraph (1) of subsection d. of section 6 of P.L.2003, c.105 (C.26:2H-97), shall be combined with amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes for the purpose of calculating Medicaid reimbursements for nursing facilities ; and (5) any Class III (special care) nursing facility that is being paid by an MCO for custodial care through a provider contract but has not yet negotiated a rate shall receive the same per diem reimbursement rate as it received on June 30, 2014, which per diem reimbursement rate shall be adjusted on January 1, 2015 such that an additional $2,450,000 in State and $2,450,000 in federal appropriations shall be allocated to Class III nursing facilities during the fiscal year. For the purposes of this paragraph, a nursing facility's per diem reimbursement rate or negotiated rate shall not include, if the nursing facility is eligible for reimbursement, the difference be-

tween the full calculated provider tax add-on and the quality-of-care portion of the provider tax add-on, which difference shall be payable as an allowable cost pursuant to section 6 of P.L.2003, c.105 (C.26:2H-97(d)). Provided, further, that on or before September 15, 2014, the Department shall calculate and disseminate to the MCOs the amount of the add-on payable during the year starting October 1, 2014 as an allowable cost, as well as the list of nursing facilities that will receive this add-on, and the MCOs shall adjust the rates paid to nursing facilities accordingly; the add-ons calculated for FY 2014 shall be applied from July 1, 2014, through September 30, 2014 and the first add-on shall be applied to fee-for-service per diem reimbursement rates effective October 1, 2014

Notwithstanding the provisions of any law or regulation to the contrary, as a condition of receipt of any Medicaid payments a nursing home shall provide to the Commissioner of Human Services information on the facility's finances comparable to the information provided by hospitals to the Department of Health pursuant to N.J.A.C.8:31B-3.1 et seq. and N.J.A.C.8:31B-4.1 et seq., as requested by the commissioner, and the commissioner shall periodically assess the financial status of the industry.

Notwithstanding the provisions of any law or regulation to the contrary, no payment for Medicaid Adult or Pediatric Medical Day Care services, as hereinabove appropriated in the Medical Day Care Services account, shall be provided unless the services are prior authorized by professional staff designated by the Department of Human Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned upon the following provision: the fee-for-service per diem reimbursement rate for adult Medical Day Care providers shall be set at $78.50.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: physical therapy, occupational therapy and speech therapy shall no longer serve as a permissible criteria for eligibility in the adult Medical Day Care Program.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: effective August 15, 2010, no payments for Medicaid adult medical day care services shall be provided on behalf of any beneficiary who received prior authorization for these services based exclusively on the need for medication administration.

Notwithstanding the provisions of chapter 87 of Title 8 of the New Jersey Administrative Code or any other law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be subject to the following condition: the daily reimbursement for fee-for-service pediatric medical day care shall remain at the rate established in the preceding fiscal year.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled pro-

gram classification and the Senior Gold Prescription Discount Program account shall be expended for fee-for-service prescription drug claims with no Medicare Part D coverage except under the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one (1) percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on the (i) the lowest of the EAC, FUL, or SUL plus a dispensing fee of $3.73 to $3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers, of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), and Community Based Senior Programs are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for, or receipt of, PAAD or Senior Gold Prescription Discount Program benefits shall be void, and no PAAD and Senior Gold Prescription Discount Program payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled - Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) or any law or regulation to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be $5 for generic drugs and $7 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Human Services, no funds ap-

propriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), or the Senior Gold Prescription Discount Program (Senior Gold), pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in subsections (a) through (c) of section 1927 of the federal Social Security Act, 42 U.S.C. s.1396r-8.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program and the Senior Gold Prescription Discount Program shall continue during the current fiscal year, provided that the manufacturer's rebates for PAAD claims paid as secondary to Medicare Part D and for the Senior Gold Prescription Discount Program shall apply only to the amount paid by the State under the PAAD and Senior Gold Prescription Discount Program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program and the Senior Gold Prescription Discount Program.

In addition to the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled and the Senior Gold Prescription Discount programs, there are appropriated from the General Fund and available federal matching funds such additional amounts as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program are conditioned upon the Department of Human Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and

Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs are conditioned upon the Department of Human Services coordinating the benefits of the PAAD programs with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Human Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and Senior Gold Prescription Discount programs, and for Medicare Part D premium costs for PAAD beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged or Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program recipients, no funds hereinabove appropriated to the PAAD program or Senior Gold Prescription Discount Program accounts shall be expended for any individual unless the individual enrolled in the PAAD program or Senior Gold Prescription Discount Program provides all data necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs, and Senior Gold Prescription Discount Program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug when paid by PAAD or the Senior Gold Prescription Discount Program as the primary payer until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize drug coverage under Medicare Part D, the appropriation for the Senior Gold Prescription Discount Program is conditioned on the Senior Gold Prescription Discount Program being designated the authorized representative for the purpose of coordinating benefits with the Medicare drug program, including appeals of coverage determinations. The Senior Gold Prescription Discount Program is authorized to represent program beneficiaries in the pursuit of such coverage. Senior Gold Prescription Discount Program representation shall include,

but not be limited to, the following actions: pursuit of appeals, grievances, and coverage determinations.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended to cover medications not on the formulary of a PAAD program or Senior Gold Prescription Discount Program beneficiary's Medicare Part D plan. This exclusion shall not apply to those drugs covered by the PAAD program and Senior Gold Prescription Discount Program which are specifically excluded by the federal Medicare Prescription Drug Program. In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the Medicare Prescription Drug Improvement, and Modernization Act of 2003 (MMA), to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including, but not limited to: drugs used for baldness, weight loss, and skin conditions.

From the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged - Claims and Senior Gold Prescription Discount Program, an amount not to exceed $3,850,000 may be transferred to various accounts as required, including Direct State Services accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste, and abuse, are appropriated to Medical Services for the Aged in the Division of Aging Services.

In order to permit flexibility in implementing ElderCare Initiatives hereinabove appropriated as part of Community Based Senior Programs, and Managed Long Term Services and Supports within the Medical Services for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

In order to permit flexibility in implementing the ElderCare Advisory Commission Initiatives, hereinabove appropriated as part of Community Based Senior Programs within the Programs for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice

thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated from the Community Based Senior Programs account for the Alzheimer's Medical Day Care Program are conditioned upon that program being administered in the same manner and with the same payment rates as were in effect during Fiscal Year 2013.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes are subject to the following condition: nursing facilities shall not receive payments for bed hold or therapeutic leave days for Medicaid beneficiaries; provided that nursing facilities shall continue to reserve beds for Medicaid beneficiaries who are hospitalized or on therapeutic leave as required by N.J.A.C.8:85-1.14.

Notwithstanding any other law or regulation to the contrary, of the amounts hereinabove appropriated for Managed Long Term Services and Supports, assisted living facilities, comprehensive personal care homes and assisted living programs shall receive a per diem rate, respectively, of no less than $72.50, $62.50, and $52.50 as reimbursement for each Medicaid beneficiary under their care.

As a condition upon the appropriation hereinabove for Managed Long Term Services and Supports, the Commissioner shall issue quarterly reports on enrollment, State and federal expenditures, access to care and measures of care quality.

In addition to the amounts hereinabove appropriated for Pharmaceutical Assistance to the Aged and Disabled and Hearing Aid Assistance for the Aged and Disabled programs, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional amounts as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.), during the current fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

For the purposes of account balance maintenance, all object accounts in the Medical Services for the Aged program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services, but ensure that no overspending will occur in the program classification.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund, Medical Services for the Aged, or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year's annual appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), and Community Based Senior Programs are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled - Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) or any law or regulation to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be $5 for generic drugs and $7 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Human Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended, when PAAD is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in subsections (a) through (c) of section 1927 of the federal Social Security Act, 42 U.S.C. s.1396r-8.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program shall continue during the current fiscal year, provided that the manufacturers' rebates for PAAD claims paid as secondary to Medicare Part D shall apply only to the amount paid by the State under the PAAD program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program are conditioned upon the Department of Human Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail order. The mail-order

program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is conditioned upon the Department of Human Services coordinating the benefits of the PAAD program with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD program recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Human Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and the Senior Gold Prescription Discount Program, and for Medicare Part D premium costs for PAAD program beneficiaries.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Disabled (PAAD) program recipients, no funds hereinabove appropriated from the PAAD account shall be expended for any individual enrolled in the PAAD program unless the individual provides all data that may be necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug paid by PAAD as a primary payer until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended to cover medications not on the formulary of a PAAD program beneficiary's Medicare Part D plan. This exclusion shall not apply to those drugs covered by PAAD which are specifically excluded by the federal Medicare Prescription Drug Program. In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the

"Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA), to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including but not limited to: drugs used for baldness, weight loss, and skin conditions.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended for fee-for-service prescription drug claims with no Medicare Part D coverage except under the following conditions: (1) the maximum allowable cost for legend and non-legend drugs shall be calculated based on the lowest of (i) the Estimated Acquisition Cost (EAC), defined as a drug's Wholesale Acquisition Cost less a volume discount of one percent; (ii) the federal upper limit (FUL); or (iii) the State upper limit (SUL); and (iv) cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs where an alternative pricing benchmark is not available; (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on the (i) the lowest of the EAC, FUL or SUL plus a dispensing fee of $3.73 to $3.99; or a provider's usual and customary charge; or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for single-source or brand-name multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee; or a provider's usual and customary charge. To effectuate the calculation of SUL rates and/or the calculation of single-source and brand-name multi-source legend and non-legend drug costs where an alternative pricing benchmark is not available, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers, of pharmaceutical services. No funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Community Based Senior Programs (CRF) account, $300,000 shall be charged to the Casino Simulcasting Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated from the Community Based Senior Programs account for the Alzheimer's Medical Day Care Program are conditioned upon that program being administered in the same manner and with the same payment rates as were in effect during Fiscal Year 2013.

STATE AID

55-7530 Programs for the Aged..... $7,152,000

(From General Fund) ..... *$4,654,000)*
(From Property Tax Relief Fund) ..... *2,498,000)*
Total State Aid Appropriation, Division of Aging Services $7,152,000
(From General Fund) ..... *$4,654,000)*
(From Property Tax Relief Fund) ..... *2,498,000)*

State Aid:

55 County Offices on Aging (PTRF) ..... ($2,498,000)
55 Older Americans Act - State Share ..... (4,654,000)

27 Disability Services
7545 Division of Disability Services
DIRECT STATE SERVICES

27-7545 Disability Services $1,315,000
Total Direct State Services Appropriation, Division of Disability Services $1,315,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($1,029,000)
Materials and Supplies ..... (4,000)
Services Other Than Personal ..... (273,000)
Maintenance and Fixed Charges ..... (9,000)

GRANTS-IN-AID

27-7545 Disability Services $23,141,000
(From General Fund) ..... *$19,407,000)*
(From Casino Revenue Fund) ..... *3,734,000)*
Total Grants-in-Aid Appropriation, Division of Disability Services $23,141,000
(From General Fund) ..... *$19,407,000)*
(From Casino Revenue Fund) ..... *3,734,000)*

Grants-in-Aid:

27 Personal Assistance Services Program ..... ($7,383,000)
27 Personal Assistance Services Program (CRF) ..... (3,734,000)
27 Community Supports to Allow Discharge from Nursing Homes ..... (2,000,000)
27 Payments for Medical Assistance Recipients - Personal Care ..... (6,000,000)
27 Payments for Medical Assistance Recipients - Waiver Initiatives ..... (2,000,000)
27 Payments for Medical Assistance Recipients - Other Services ..... (270,000)
27 Transportation/Vocational Services for the Disabled ..... (1,754,000)

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from Payments for Medical Assistance Recipients - Adult Mental Health Residential and Payments for Medical Assistance Recipients - Other Services accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Payments for Medical Assistance Recipients - Personal Care, the Payments for Medical Assistance Recipients - Waiver Initiatives, and the Payments for Medical Assistance Recipients - Other Services accounts in the Division of Disability Services in the Department of Human Services. Amounts may also be transferred to and from various items of appropriations within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Aging Services in the Department of Human Services. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 C.F.R. 447.205, of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Personal Care, personal care assistant services shall be authorized prior to the beginning of services by the Director of the Division of Disability Services. The hourly rate for fee-for-service personal care services shall be $15.50.

Notwithstanding the provisions of subsection (a) of N.J.A.C.10:60-5.10 and subsection (c) of N.J.A.C.10:60-11.2 to the contrary, the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Waiver Initiatives is conditioned upon the Commissioner of Human Services increasing the hourly nursing rates for AIDS Community Care Alternatives Program (ACCAP) and Community Resources for People With Disabilities (CRPD) Private Duty Nursing (PDN) services by $10 per hour above the fiscal year 2008 rate. The rate for ACCAP and CRPD PDN services shall be equal to the rate for the Early and Periodic Screening, Diagnostic and Treatment PDN services of similar magnitude.

30 Educational, Cultural, and Intellectual Development
32 Operation and Support of Educational Institutions
DIRECT STATE SERVICES

05-7610	Residential Care and Habilitation Services	$349,237,000
	(From General Fund	*$93,890,000)*
	(From Federal Funds	*255,347,000)*
99-7610	Administration and Support Services	52,317,000
	(From General Fund	*31,643,000)*
	(From Federal Funds	*20,674,000)*
	Total Appropriation, State and Federal Funds	$401,554,000

(From General Fund) ..... *$125,533,000)*
(From Federal Funds) ..... *276,021,000)*
Less:
Federal Funds **$276,021,000**
Total Income Deductions **$276,021,000**
Total Direct State Services Appropriation, Operation and Support of Educational Institutions $125,533,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($367,394,000)
Materials and Supplies ..... (20,163,000)
Services Other Than Personal ..... (8,058,000)
Maintenance and Fixed Charges ..... (4,905,000)
Special Purpose:
05 Family Care ..... (6,000)
Additions, Improvements and Equipment ..... (1,028,000)
Less:
Federal Funds **$276,021,000**

The State appropriation for the State's developmental centers is based on ICF/MR revenues of $300,195,000, provided that if the ICF/MR revenues exceed $300,195,000, an amount equal to the excess ICF/MR revenues may be deducted from the State appropriation for the developmental centers, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other sums provided in Inter-Departmental accounts for Employee Benefits, as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the developmental centers and are available for matching federal funds.

7601 Community Programs
DIRECT STATE SERVICES

08-7601 Community Services $52,029,000
(From General Fund) ..... *$31,266,000)*
(From Federal Funds) ..... *20,763,000)*
99-7601 Administration and Support Services 20,838,000
(From General Fund) ..... *7,744,000)*
(From Federal Funds) ..... *13,047,000)*
(From All Other Funds) ..... *47,000)*
Total Appropriation, State and Federal Funds $72,867,000
(From General Fund) ..... *$39,010,000)*
(From Federal Funds) ..... *33,810,000)*
(From All Other Funds) ..... *47,000)*
Less:

Federal Funds **$33,810,000**
All Other Funds **47,000**
Total Income Deductions **$33,857,000**
Total Direct State Services Appropriation, Community Programs $39,010,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($69,918,000)
Materials and Supplies ..... (140,000)
Services Other Than Personal ..... (612,000)
Maintenance and Fixed Charges ..... (563,000)
Special Purpose:
99 Developmental Disabilities Council ..... (306,000)
99 Senior Companions ..... (47,000)
Additions, Improvements and Equipment ..... (1,281,000)
Less:
Federal Funds **$33,810,000**
All Other Funds **47,000**

An amount not to exceed $60,000 from receipts from individuals for whom the Division of Developmental Disabilities in the Department of Human Services collects contribution to care reimbursements is appropriated for participation in the Senior Companions Program.

GRANTS-IN-AID

01-7601 Purchased Residential Care $847,101,000
(From General Fund ..... *$215,727,000)*
(From Casino Revenue Fund ..... *210,596,000)*
(From Federal Funds ..... *357,406,000)*
(From All Other Funds ..... *63,372,000)*
02-7601 Social Supervision and Consultation $41,990,000
(From General Fund ..... *31,320,000)*
(From Casino Revenue Fund ..... *2,208,000)*
(From Federal Funds ..... *8,462,000)*
03-7601 Adult Activities $320,700,000
(From General Fund ..... *196,126,000)*
(From Casino Revenue Fund ..... *7,374,000)*
(From Federal Funds ..... *117,200,000)*
Total Appropriation, State and Federal Funds $1,209,791,000
(From General Fund ..... *$443,173,000)*
(From Casino Revenue Fund ..... *220,178,000)*
(From Federal Funds ..... *483,068,000)*
(From All Other Funds ..... *63,372,000)*
Less:
Federal Funds **$483,068,000**

All Other Funds **63,372,000**
Total Income Deductions **$546,440,000**
Total Grants-in-Aid Appropriation, Community Programs $663,351,000
(From General Fund ..... *$443,173,000)*
(From Casino Revenue Fund ..... *220,178,000)*

Grants-in-Aid:

01 Community Services Waiting List Placements .....($2,241,000)
01 Private Residential Facilities .....(10,163,000)
01 Private Institutional Care .....(49,263,000)
01 Private Institutional Care (CRF) .....(1,311,000)
01 Skill Development Homes .....(17,408,000)
01 Skill Development Homes (CRF) .....(1,269,000)
01 Group Homes .....(491,454,000)
01 Group Homes (CRF) .....(208,016,000)
01 Olmstead Residential Services .....(31,381,000)
01 Emergency Placements .....(34,595,000)
02 Office for Prevention of Developmental Disabilities...(573,000)
02 Addressing the Needs of the Autism Community.....(4,000,000)
02 Essex ARC - Expanded Respite Care Services for Families with Autistic Children .....(75,000)
02 Autism Respite Care .....(1,000,000)
02 Developmental Disabilities Council .....(1,183,000)
02 Home Assistance .....(28,206,000)
02 Home Assistance (CRF) .....(1,657,000)
02 Purchase of After School and Camp Services .....(1,339,000)
02 Purchase of After School and Camp Services (CRF) ..(551,000)
02 Social Services .....(2,935,000)
02 Case Management .....(471,000)
03 Purchase of Adult Activity Services .....(233,172,000)
03 Purchase of Adult Activity Services (CRF) .....(7,374,000)
03 Day Program Age Outs .....(4,328,000)
03 Self Directed Services .....(75,826,000)

Less:
Federal Funds **$483,068,000**
All Other Funds **63,372,000**

Notwithstanding the provisions of Title 30 of the Revised Statutes or any other law or regulation to the contrary, the Assistant Commissioner of the Division of Developmental Disabilities is authorized to waive statutory, regulatory, or licensing requirements in the use of funds hereinabove appropriated for the operation of the self-determination program including participants from the Community Services Waiting List Reduction Initiatives - FY1997 through FY2002, subject to the approval of a plan by the Assistant Commissioner of the Division of Developmental Disabilities, which allowed an individual to be removed from the waiting list. This waiver also applies to those persons identified as part of the Com-

munity Transition Initiative - FY2001 and FY2002, and the Community Nursing Care Initiative - FY2002, who chose self-determination.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to State ICF/MR facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan to be submitted by the Commissioner of Human Services. Notwithstanding the provisions of any law or regulation to the contrary, only the federal share of funds anticipated from these assessments shall be available to the Department of Human Services for the purposes set forth in P.L.1998, c.40 (C.30:6D-43 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, $456,921,000 of federal Community Care Waiver funds is appropriated for community-based programs in the Division of Developmental Disabilities. The appropriation of federal Community Care Waiver funds above this amount is conditional upon the approval of a plan submitted by the Department of Human Services that must be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and assure timely payment to service providers, funds may be transferred within the Grants-In-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

Cost recoveries from consumers with developmental disabilities collected during the current fiscal year, not to exceed $63,372,000, are appropriated for the continued operation of the Division of Developmental Disabilities community-based residential programs, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts required to return persons with developmental disabilities presently residing in out-of-State institutions to community residences within the State may be transferred from the Private Institutional Care account to other Casino Revenue Fund Grants-In-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired
DIRECT STATE SERVICES

11-7560	Services for the Blind and Visually Impaired	$8,068,000
99-7560	Administration and Support Services	2,948,000
	Total Direct State Services Appropriation, Commission for the Blind and Visually Impaired	$11,016,000

Direct State Services:

Personal Services:	
Salaries and Wages	($8,706,000)
Materials and Supplies	(126,000)
Services Other Than Personal	(785,000)

Maintenance and Fixed Charges.....(456,000)
Special Purpose:
11 Technology for the Visually Impaired.....(765,000)
99 Additions, Improvements and Equipment.....(178,000)

There is appropriated from funds recovered from audits or other collection activities, an amount sufficient to pay vendors' fees to compensate the recoveries and the administration of the State's vending machine program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of $130,000 are appropriated for the purpose of expanding vision screening services and other prevention services, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year of such receipts is appropriated.

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any law or regulation to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped"; provided, however, each local board of education shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served; provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services, and further, the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State Aid payments to the local boards of education.

The unexpended balances at the end of the preceding fiscal year in the Technology for the Visually Impaired account are appropriated for the Commission for the Blind and Visually Impaired, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

11-7560 Services for the Blind and Visually Impaired..... $3,305,000
Total Grants-in-Aid Appropriation, Commission for the Blind and Visually Impaired $3,305,000

Grants-in-Aid:
11 State Match for Federal Grants .....($617,000)
11 Educational Services for Children .....(1,670,000)
11 Services to Rehabilitation Clients.....(1,018,000)

50 Economic Planning, Development, and Security
53 Economic Assistance and Security
7550 Division of Family Development
DIRECT STATE SERVICES

15-7550 Income Maintenance Management..... $183,717,000
(From General Fund..... $43,051,000)

(From Federal Funds ..... *140,666,000)*
Total Appropriation, State and Federal Funds $183,717,000
(From General Fund ..... *$43,051,000)*
(From Federal Funds ..... *140,666,000)*
Less:
Federal Funds **$140,666,000**
Total Income Deductions **$140,666,000**
Total Direct State Services Appropriation, Division of Family Development $43,051,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($27,122,000)
Materials and Supplies ..... (297,000)
Services Other Than Personal ..... (40,519,000)
Maintenance and Fixed Charges ..... (343,000)
Special Purpose:
15 Electronic Benefit Transfer/Distribution System ..... (6,198,000)
15 Senior Companions ..... (109,158,000)
Additions, Improvements and Equipment ..... (80,000)
Less:
Federal Funds **$140,666,000**

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

15-7550 Income Maintenance Management $468,382,000
(From General Fund ..... *$171,997,000)*
(From Federal Funds ..... *261,385,000)*
(From All Other Funds ..... *35,000,000)*
Total Appropriation, State and Federal Funds $468,382,000
(From General Fund ..... *$171,997,000)*
(From Federal Funds ..... *261,385,000)*
(From All Other Funds ..... *35,000,000)*
Less:
Federal Funds **$261,385,000**
All Other Funds **35,000,000**

Total Income Deductions **$296,385,000**
Total Grants-in-Aid Appropriation, Division of Family Development $171,997,000

Grants-in-Aid:

15 Restricted Grants.....($550,000)
15 Work First New Jersey - Training Related Expenses.....(17,172,000)
15 Work First New Jersey Support Services.....(71,926,000)
15 Work First New Jersey - Breaking the Cycle.....(1,055,000)
15 Work First New Jersey Child Care .....(317,371,000)
15 Kinship Care Initiatives .....(5,555,000)
15 Wage Supplement Program .....(2,300,000)
15 Kinship Care Guardianship and Subsidy .....(2,000,000)
15 Supplemental Nutrition Assistance Program - Education.....(7,000,000)
15 Social Services for the Homeless.....(17,050,000)
15 SSI Attorney Fees .....(2,914,000)
15 Substance Abuse Initiatives .....(23,489,000)

Less:

Federal Funds.....**$261,385,000**
All Other Funds.....**35,000,000**

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts appropriated for Work First New Jersey, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Work First New Jersey Child Care, an amount not to exceed $35,000,000 is appropriated from the Workforce Development Partnership Fund established pursuant to section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for before-school, after-school, and summer "wrap around" child care shall be expended except in accordance with the following condition: Effective September 1, 2010, families with incomes between 101% and 250% of the federal poverty level who reside in districts who received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year shall be subject to a copayment for "wrap around" child care, based upon a schedule approved by the Department of Human Services and published in the New Jersey Register, and effective September 1, 2010, families who reside in districts who received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year must meet the eligibility requirements under the New Jersey Cares for Kids child care program (N.J.A.C.10:15-5.1 et seq.) in order to receive free or subsidized "wrap around" child care.

STATE AID

15-7550 Income Maintenance Management $852,046,000
(From General Fund ..... $286,893,000)
(From Property Tax Relief Fund ..... 51,903,000)
(From Federal Funds ..... 506,350,000)
(From All Other Funds ..... 6,900,000)
Total Appropriation, State and Federal Funds $852,046,000

Less:
Federal Funds $506,350,000
All Other Funds 6,900,000
Total Income Deductions $513,250,000
Total State Aid Appropriation, Division of Family Development $338,796,000

State Aid:
15 County Administration Funding ..... ($313,835,000)
15 Work First New Jersey - Client Benefits ..... (117,352,000)
15 Earned Income Tax Credit Program ..... (18,393,000)
15 General Assistance Emergency Assistance Program ..... (54,722,000)
15 Payments for Cost of General Assistance ..... (50,334,000)
15 Work First New Jersey - Emergency Assistance . (116,505,000)
15 Payments for Supplemental Security Income ..... (83,362,000)
15 State Supplemental Security Income Administrative Fee to SSA ..... (24,640,000)
15 General Assistance County Administration ..... (20,000,000)
15 General Assistance County Administration (PTRF) (27,678,000)
15 Supplemental Nutrition Assistance Program Administration - State (PTRF) ..... (24,225,000)
15 Fair Labor Standards Act - Minimum Wage Requirements (TANF) ..... (1,000,000)

Less:
Federal Funds **$506,350,000**
All Other Funds **6,900,000**

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under P.L.1997, c.38 (C.44:10-55 et seq.) and P.L.1950, c.166 (C.30:4B-1 et seq.), at the end of the preceding fiscal year are appropriated for the Work First New Jersey Program.

Receipts from State administered municipalities during the preceding fiscal year are appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Income Maintenance Management are available for payment of obligations applicable to prior fiscal years.

The amounts hereinabove appropriated for Income Maintenance Management are conditioned upon the following provision: any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility and ensure the timely payment of benefits to welfare recipients, amounts may be transferred between the various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting is authorized to withhold State Aid payments to municipalities to satisfy any obligations due and owing from audits of that municipality's General Assistance program.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193, and in the Payments for Cost of General Assistance and General Assistance - Emergency Assistance Program accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated an amount equal to the difference between actual revenue loss reflected in the Earned Income Tax Credit program and the amount anticipated as the revenue loss from the Earned Income Tax Credit to meet federal Maintenance of Effort requirements to allow the Department of Human Services to comply with

the Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, to the extent that federal child support incentive earnings are available, such additional amounts are appropriated from federal child support incentive earnings to pay on behalf of individuals on whom is imposed a $25 annual child support user fee, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Work First New Jersey - Client Benefits and General Assistance - Emergency Assistance Payments, an amount not to exceed $6,900,000 is appropriated from the Universal Service Fund for utility payments for Work First New Jersey recipients, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Cost of General Assistance and General Assistance Emergency Assistance Program are subject to the following condition: no funds shall be expended to provide benefits to recipients enrolled in college. For purposes of this provision, "college" is defined as that term is defined at N.J.A.C.9A:1-1.2.

50 Economic Planning, Development, and Security
55 Social Services Programs
7580 Division of the Deaf and Hard of Hearing
DIRECT STATE SERVICES

23-7580	Services for the Deaf	$1,042,000
	Total Direct State Services Appropriation, Division of the Deaf and Hard of Hearing	$1,042,000

Direct State Services:

Personal Services:	
Salaries and Wages	($662,000)
Services Other Than Personal	(40,000)
Maintenance and Fixed Charges	(1,000)
Special Purpose:	
23 Services to Deaf Clients	(284,000)
23 Communication Access Services	(55,000)

70 Government Direction, Management, and Control
76 Management and Administration
7500 Division of Management and Budget
DIRECT STATE SERVICES

96-7500	Institutional Security Services	$8,204,000

99-7500 Administration and Support Services 32,219,000
Total Direct State Services Appropriation, Division of Management and Budget $40,423,000

Direct State Services:

Personal Services:
Salaries and Wages .....($26,802,000)
Materials and Supplies.....(365,000)
Services Other Than Personal.....(8,392,000)
Maintenance and Fixed Charges.....(160,000)
Special Purpose:
99 Health Care Billing System .....(95,000)
99 Transfer to State Police for Fingerprinting/Background Checks of Job Applicants.....(3,807,000)
Additions, Improvements and Equipment .....(802,000)

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed $750,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Revenues received from fees derived from the licensing of all community mental health programs as specified in N.J.A.C.10:190-1.1 et seq. are appropriated to the Division of Management and Budget to offset the costs of performing the required reviews.

GRANTS-IN-AID

99-7500 Administration and Support Services $8,729,000
Total Grants-in-Aid Appropriation, Division of Management and Budget $8,729,000

Grants-in-Aid:

99 United Way 2-1-1 System.....($22,000)
99 Unit Dose Contracting Services.....(4,419,000)
99 Consulting Pharmacy Services.....(4,288,000)

Department of Human Services, Total State Appropriation .. $6,609,324,000

Of the amount hereinabove appropriated for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Balances on hand at the end of the preceding fiscal year of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Human Services shall be conditioned upon the following provision: any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Human Services, not mandated by federal law, first shall be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from payments collected from clients receiving services from the Department of Human Services and collected from their chargeable relatives, are appropriated to offset administrative and contract expenses related to the charging, collecting, and accounting of payments from clients receiving services from the department and from their chargeable relatives pursuant to R.S.30:1-12, subject to the approval of the Director of the Division of Budget and Accounting.

Payment to vendors for their efforts in maximizing federal revenues is appropriated and shall be paid from the federal revenues received, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Unexpended State balances may be transferred among Department of Human Services accounts in order to comply with the State Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L. 104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting. Notice of such transfers that would result in appropriations or expenditures exceeding the State's Maintenance of Effort requirement obligation shall be subject to the approval of the Joint Budget Oversight Committee. In addition, unobligated balances remaining from funds allocated to the Department of Labor and Workforce Development for Work First New Jersey as of June 1 of each year are to be reverted to the Work First New Jersey - Client Benefits account in order to comply with the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" and as legislatively required by the Work First New Jersey program.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, with respect to the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals, commencing January 1, 2010, the State shall pay to each county an amount equal to 35% of the total per capita costs for the reasonable cost of maintenance and clothing of county patients in State psychiatric facilities.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Human Services is authorized to identify opportunities for increased

recoveries to the General Fund and to the department. Such funds collected are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, in accordance with a plan prepared by the department, and approved by the Director of the Division of Budget and Accounting.

To effectuate the orderly consolidation or closure of a developmental center or psychiatric hospital, amounts hereinabove appropriated for the State developmental centers and State psychiatric hospitals may be transferred to accounts throughout the Department of Human Services in accordance with the plan adopted pursuant to section 2 of P.L.1996, c.150 (C.30:1-7.4) to consolidate or close a developmental center or State psychiatric hospital, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances at the end of the preceding fiscal year due to opportunities for increased recoveries in the Department of Human Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. These recoveries may be transferred to the Division of Developmental Disabilities for operating costs in the developmental centers and to the Group Homes account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the Medical Day Care Services and the Managed Care Initiative accounts are subject to the following condition: a licensed facility in the adult Medical Day Care program may serve and receive reimbursement for participants per day provided that the number of participants served does not exceed the facility's licensed capacity.

Summary of Department of Human Services Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$606,951,000
Grants-in-Aid	5,526,260,000
State Aid	476,113,000
Appropriations by Fund:	
General Fund	$6,175,667,000
Property Tax Relief Fund	184,566,000
Casino Revenue Fund	249,091,000

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62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
50 Economic Planning, Development, and Security
51 Economic Planning and Development
DIRECT STATE SERVICES

99-4565	Administration and Support Services	$693,000

Total Direct State Services Appropriation, Economic Planning and Development $693,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($507,000)
Materials and Supplies ..... (11,000)
Services Other Than Personal ..... (150,000)
Maintenance and Fixed Charges ..... (25,000)

Of the amount hereinabove appropriated for the Administration and Support Services program classification, $538,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

In addition to the amount hereinabove appropriated for the Administration and Support Services program, an amount not to exceed $550,000 is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Administration and Support Services program, $31,000 is payable out of the State Disability Benefits Fund and, in addition to the amount hereinabove appropriated for the Administration and Support Services program, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Department of Labor and Workforce Development to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.), there is appropriated to the Department of Labor and Workforce Development from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting, such sums as are necessary to pay for employer rebate awards as approved by the Commissioner of Community Affairs.

Fines and penalties collected pursuant to violations of P.L.1945, c.169 (C.10:5-1 et seq.) are hereby appropriated for program costs.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Administration and Support Services, there is appropriated $460,000 from the New Jersey Builders Utilization Initiative for Labor Diversity, pursuant to P.L.2009 c.313 (C.52:38-7), for enforcing the provisions of P.L.2009 c.335 (C.52:40-1 et seq.).

53 Economic Assistance and Security

DIRECT STATE SERVICES

03-4520 State Disability Insurance Plan $32,253,000

04-4520 Private Disability Insurance Plan 4,930,000
05-4525 Workers' Compensation 13,434,000
06-4530 Special Compensation 1,903,000
Total Direct State Services Appropriation, Economic Assistance and Security $52,520,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($31,926,000)
Materials and Supplies ..... (269,000)
Services Other Than Personal ..... (5,895,000)
Maintenance and Fixed Charges ..... (3,137,000)
Special Purpose:
03 State Disability Insurance Plan ..... (300,000)
03 State Disability Benefits - Joint Tax Functions ..... (5,500,000)
03 Family Leave Insurance ..... (5,040,000)
04 Private Disability Insurance Plan ..... (50,000)
05 Workers' Compensation ..... (363,000)
06 Special Compensation ..... (40,000)

The amounts hereinabove appropriated for the State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefits Fund.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan and Private Disability Insurance Plan, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for administrative costs associated with the State Disability Insurance Plan, there is appropriated from the State Disability Benefits Fund an amount not to exceed $10,000,000, such amount to include $1,000,000 for a reengineering study of the business process, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan and the Private Disability Insurance Plan, there are appropriated from the State Disability Benefits Fund such additional sums as may be required to administer the Private Disability Insurance Plan.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan, there are appropriated from the Family Temporary Disability Leave Account within the State Disability Benefits Fund such sums as may be required to pay benefits during periods of family temporary disability leave and the associated administrative costs subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the Workers' Compensation program, there are appropriated receipts in excess of the amount anticipated

New Jersey State Library

for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the Special Compensation program, there are appropriated receipts in excess of the amount anticipated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Special Compensation program shall be payable out of the Second Injury Fund and, notwithstanding the $12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove appropriated for the Special Compensation program, there are appropriated from the Second Injury Fund such additional sums as may be required for costs of administration and beneficiary payments.

There is appropriated out of the balance in the Second Injury Fund an amount not to exceed $1,000,000 to be deposited to the credit of the Uninsured Employer's Fund for the payment of benefits as determined in accordance with section 11 of P.L.1966, c.126 (C.34:15-120.2). Any amount so transferred shall be included in the next Uninsured Employer's Fund surcharge imposed in accordance with section 10 of P.L.1966, c.126 (C.34:15-120.1) and any amount so transferred shall be returned to the Second Injury Fund without interest and shall be included in net assets of the Second Injury Fund pursuant to paragraph (4) of subsection c. of R.S.34:15-94.

Notwithstanding the provisions of any law or regulation to the contrary, the funds appropriated for Second Injury Fund benefits are available for the payment of obligations applicable to prior fiscal years.

Amounts to administer the Uninsured Employer's Fund are appropriated from the Uninsured Employer's Fund, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $150,000 for the cost of notifying unemployment compensation recipients of the availability of New Jersey Earned Income Tax Credit information, pursuant to section 1 of P.L.2005, c.210 (C.43:21-4.2), is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, there is appropriated out of the Unemployment Compensation Auxiliary Fund, an amount not to exceed $5,000,000 to support collection activities in the program as well as costs associated with certain State required notifications to Unemployment Insurance claimants and for the support of the workforce development system, subject to the approval of the Director of the Division of Budget and Accounting.

The amount necessary to pay interest due on any advances made from the federal unemployment account under Title XII of the Social Security Act (42 U.S.C. s.1321 et seq.) is hereby appropriated from the Unemployment Compensation Interest Repayment Fund established in the Department of Labor and Workforce Development subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of R.S.43:21-16 or any other law or regulation to the contrary, any recoveries from fines and penalties assessed on or before October 21, 2013 in connection with fraudulently obtained unemployment insurance benefits are appropriated and shall be deposited in the Unemployment Compensation Auxiliary Fund.

54 Manpower and Employment Services

DIRECT STATE SERVICES

07-4535	Vocational Rehabilitation Services	$2,633,000
09-4545	Employment Services	9,905,000
12-4550	Workplace Standards	4,366,000
16-4555	Public Sector Labor Relations	3,621,000
17-4560	Private Sector Labor Relations	491,000
	Total Direct State Services Appropriation, Manpower and Employment Services	$21,016,000

Direct State Services:

Personal Services:	
Salaries and Wages	($16,055,000)
Materials and Supplies	(38,000)
Services Other Than Personal	(447,000)
Maintenance and Fixed Charges	(28,000)
Special Purpose:	
09 Workforce Development Partnership Program	(1,909,000)
09 Workforce Development Partnership - Counselors	(81,000)
09 Workforce Literacy and Basic Skills Program	(2,000,000)
12 Worker and Community Right to Know Act	(5,000)
12 Public Works Contractor Registration	(450,000)
12 Safety Commission	(3,000)

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The amounts hereinabove appropriated for the Workforce Development Partnership Program and Workforce Development Partnership - Counselors shall be appropriated from receipts from the Workforce Development Partnership Fund, pursuant to P.L.1992, c.44 (C.34:15D-12 et seq.), together with such additional

sums as may be required to administer the Workforce Development Partnership Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1992, c.44 (C.34:15D-12 et seq.), or any other law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Workforce Development Partnership Fund is appropriated to such fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated for the Council on Gender Parity an amount not to exceed $72,000 from the Unemployment Compensation Auxiliary Fund for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Workforce Literacy and Basic Skills Program shall be appropriated from receipts received pursuant to P.L.2001, c.152 (C.34:15D-21 et seq.), together with such additional sums as may be required to administer the Workforce Literacy Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Supplemental Workforce Fund for Basic Skills," P.L.2001, c.152 (C.34:15D-21 et seq.), or any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Supplemental Workforce Fund for Basic Skills is appropriated to such fund, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated for the same program, subject to the approval of the Director of the Division of Budget and Accounting.

Any excess receipts that are appropriated to the Workplace Standards program and that are available may be used by the Department as match for any federal programs requiring a State match.

Receipts in excess of the amount anticipated for the Public Works Contractor Registration program and the unexpended balance at the end of the preceding fiscal year are appropriated for the Public Works Contractor Registration program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Worker and Community Right To Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right To Know Act account is payable from the Worker and Community Right To Know Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Private Sector Labor Relations program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

From the appropriation provided hereinabove in support of office leases, and notwithstanding the provisions of P.L.1992, c.130 (C.52:18A-191.1 et seq.), the State Treasurer, in consultation with the Commissioner of Labor and Workforce Development, is hereby authorized to enter into cost-sharing agreements with

any authorized non-State partner that offers programs and activities supported primarily by federal funds from the United States Departments of Labor and Education in the State's one-stop centers for the purpose of co-locating such partner in an office with the Department of Labor and Workforce Development providing rent costs shall be equitably shared in accordance with a cost allocation plan approved by the Commissioner of Labor and Workforce Development.

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

The amount hereinabove appropriated for Salaries and Wages for the Vocational Rehabilitation Services program classification shall be conditioned on the following: a) prior to determination of funding levels for the various services funded by any State or federal funds for vocational rehabilitation services, including but not limited to slot values and transportation, the Commissioner of Labor and Workforce Development shall consult with the sheltered workshop provider community to ensure a fair and adequate allocation of funding; b) the Commissioner shall notify the Joint Budget Oversight Committee not less than 10 days prior to implementation of any change in rates for vocational rehabilitation services.

GRANTS-IN-AID

07-4535	Vocational Rehabilitation Services	$42,416,000
	(From General Fund	*$40,220,000)*
	(From Casino Revenue Fund	*2,196,000)*
10-4545	Employment and Training Services	30,076,000
	Total Grants-in-Aid Appropriation, Manpower and Employment Services	$72,492,000
	(From General Fund	*$70,296,000)*
	(From Casino Revenue Fund	*2,196,000)*

Grants-in-Aid:

07	Vocational Rehabilitation Services	($35,934,000)
07	Vocational Rehabilitation Services (CRF)	(2,196,000)
07	Services to Clients (State Share)	(4,286,000)
10	New Jersey Youth Corps	(2,325,000)
10	Work First New Jersey Work Activities	(27,751,000)

Notwithstanding the provision of any law or regulation to the contrary, of the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated $9,000,000 from the Workforce Development Partnership Fund.

Of the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification, an amount not to exceed $14,114,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for Work First New Jersey Work Activities and Work First New Jersey-Training Related Expenses, $8,190,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Work First New Jersey Work Activities, an amount not to exceed 3% shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for the Work First New Jersey Work Activities and Work First New Jersey-Training Related Expenses accounts, an amount not to exceed $21,500,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for New Jersey Youth Corps, $1,850,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9) and an amount not to exceed 10% from all funds available to the program shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for New Jersey Youth Corps, there is appropriated an amount not to exceed $2,200,000 from the Supplemental Workforce Fund for Basic Skills, P.L.2001, c.152 (C.34:15D-21 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the Employment and Training Services program classification, an amount not to exceed $50,000 is appropriated from the Unemployment Compensation Auxiliary Fund for costs incurred by the Disadvantaged Youth Employment Opportunities Council, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the New Jersey Youth Corps program, $475,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of any law or regulation to the contrary, up to 15% of the amount available from the Workforce Development Partnership Fund for the Supplemental Workforce Development Benefits Program shall be appropriated as necessary to fund additional administrative costs relating to the processing and payment of benefits, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated $5,000,000 from the Workforce Development Partnership Fund for Extended Employment (Center based jobs), Extended Employment Transportation, and Long-Term Follow Along Services.

70 Government Direction, Management, and Control
74 General Government Services
DIRECT STATE SERVICES

22-4575 General Administration, Classification and Personnel Management, Selection Services $17,090,000
24-4580 Appeals and Regulatory Affairs 2,046,000
Total Direct State Services Appropriation, General Government Services $19,136,000

Direct State Services:
Personal Services:
Civil Service Commission .....($5,000)
Salaries and Wages .....(15,616,000)
Materials and Supplies.....(192,000)
Services Other Than Personal.....(2,657,000)
Maintenance and Fixed Charges.....(143,000)
Special Purpose:
22 Microfilm Service Charges .....(29,000)
22 Test Validation/Police Testing.....(434,000)
22 Americans with Disabilities Act .....(60,000)

Receipts from fees charged to applicants for open competitive or promotional examinations, and the unexpended fee balance at the end of the preceding fiscal year, collected from firefighter and law enforcement examination receipts, are appropriated for the costs of administering these exams, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from fees charged for appeals to the Civil Service Commission are appropriated for the costs of administering the appeals process, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from Training and Development (CLIP) and any unexpended balance at the end of the preceding fiscal year are appropriated for costs related to that program, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Labor and Workforce Development, Total State Appropriation..... $165,857,000

Summary of Department of Labor and Workforce Development Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $93,365,000
Grants-in-Aid 72,492,000
Appropriations by Fund:
General Fund.....$163,661,000
Casino Revenue Fund 2,196,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement
DIRECT STATE SERVICES

06-1200 State Police Operations $228,414,000
09-1020 Criminal Justice 6,501,000
11-1050 State Medical Examiner 438,000
30-1460 Gaming Enforcement 52,203,000
(From Casino Control Fund ..... $52,203,000)
99-1200 Administration and Support Services 29,667,000
Total Direct State Services Appropriation, Law Enforcement $317,223,000
(From General Fund ..... $265,020,000)
(From Casino Control Fund ..... 52,203,000)

Direct State Services:

Personal Services:
Salaries and Wages ..... ($141,605,000)
Salaries and Wages (CCF) ..... (44,440,000)
Cash in Lieu of Maintenance ..... (25,552,000)
Cash in Lieu of Maintenance (CCF) ..... (813,000)
(From General Fund ..... $167,157,000)
(From Casino Control Fund ..... 45,253,000)
Materials and Supplies ..... (14,474,000)
Materials and Supplies (CCF) ..... (526,000)
Services Other Than Personal ..... (10,795,000)
Services Other Than Personal (CCF) ..... (1,456,000)
Maintenance and Fixed Charges ..... (4,333,000)
Maintenance and Fixed Charges (CCF) ..... (2,693,000)
Special Purpose:
06 Nuclear Emergency Response ..... (1,091,000)
06 Drunk Driver Fund Program ..... (350,000)
06 Camden Initiative ..... (1,500,000)
06 Urban Search and Rescue ..... (1,000,000)
06 Rural Section Policing ..... (53,398,000)
06 Enhanced DNA Testing ..... (450,000)
06 State Police DNA Laboratory Enhancement ..... (1,150,000)
09 Division of Criminal Justice - State Match ..... (750,000)
09 Expenses of State Grand Jury ..... (356,000)
09 Medicaid Fraud Investigation - State Match ..... (500,000)
30 Gaming Enforcement (CCF) ..... (1,500,000)
99 Emergency Operations Center and Hamilton TechPlex Maintenance ..... (3,773,000)
99 N.C.I.C. 2000 Project ..... (1,575,000)
Additions, Improvements and Equipment ..... (2,368,000)

Additions, Improvements and Equipment (CCF).....(775,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts in excess of the amount anticipated through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to N.J.S.2C:64-6, are appropriated for law enforcement purposes designated by the Attorney General.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the recovery of costs associated with the implementation of the "Criminal Justice Act of 1970," P.L.1970, c.74 (C.52:17B-97 et seq.), are appropriated for the purpose of offsetting the costs of the Division of Criminal Justice, and the unexpended balance at the end of the preceding fiscal year in the Criminal Justice Cost Recovery account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Victim and Witness Advocacy Fund account, together with receipts pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) is appropriated.

Such additional amounts as may be required to carry out the provisions of the "New Jersey Antitrust Act" P.L.1970, c.73 (C.56:9-1 et seq.) are appropriated from the General Fund, provided, however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to insure compliance with "The Private Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

All fees and receipts collected, pursuant to paragraph (7) of subsection 1. of N.J.S.2C:39-6, the Retired Officer Handgun Permits program, and the unexpended balance at the end of the preceding fiscal year, are appropriated to offset the costs of administering the application process, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Nuclear Emergency Response Program account is payable from receipts pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance at the end of the preceding fiscal year in the Nuclear Emergency Response Program account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Drunk Driver Fund Program account, together with any receipts in excess of the amount anticipated in the Drunk Driving Fines account in the Department of Transportation, are appropriated to the Drunk Driver Fund Program account in the Department of Law and Public Safety, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Drunk Driver Fund Program is payable out of the Drunk Driving Enforcement Fund established pursuant to section

1 of P.L.1984, c.4 (C.39:4-50.8) designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 3 of P.L.1985, c.69 (C.53:1-20.7), the unexpended balance at the end of the preceding fiscal year, in the Noncriminal Record Checks account, together with any receipts in excess of the amount anticipated are appropriated for use of the Division of State Police, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for State Police Operations, such amounts as may be required for the purpose of offsetting costs of the provision of State Police services are appropriated from indirect cost recoveries received from the New Jersey Highway Authorities and other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts pursuant to the New Jersey Emergency Medical Service Helicopter Response Act, under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health to defray the operating costs of the New Jersey Emergency Medical Service Helicopter Response Program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.) and the general aviation program. The unexpended balance at the end of the preceding fiscal year is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of medevac and general aviation helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting. Receipts pursuant to the New Jersey Emergency Medical Service Helicopter Response Act under subsection c. of section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police to fund the costs of new State Police recruit training classes. The unexpended balance at the end of the preceding fiscal year is appropriated for this purpose subject to the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts and available balances collected pursuant to the New Jersey Emergency Medical Service Helicopter Response Act, subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed $2,687,000, are appropriated for State Police salaries, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts and available balances pursuant to the New Jersey Emergency Medical Service Helicopter Response Act under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed $7,525,000 are appropriated for State Police vehicles, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police and the New Jersey Motor Vehicle Commission in the performance of commercial truck safety and

emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts and available balances from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $15,105,000 for State Police salaries related to statewide security services, are appropriated for those purposes and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties and receipts collected, pursuant to the "Security Officer Registration Act," P.L.2004, c.134 (C.45:19A-1 et seq.) and the unexpended balance at the end of the preceding fiscal year, are appropriated to offset the costs of administering this process, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such amounts as may be received or receivable from any instrumentality, municipality, or public authority for direct and indirect costs of all services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided however, that payments from such instrumentalities, municipalities, or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall be deposited into the General Fund.

There is appropriated, an amount up to $25,000, from the General Fund, to pay for each award or each tip for information that prevents, frustrates, or favorably resolves acts of international or domestic terrorism against New Jersey persons or property, as well as tips related to the identification of illegal guns, drugs and gangs. Rewards may also be paid for information leading to the arrest or conviction of terrorists and/or gang members attempting, committing, conspiring to commit or aiding and abetting in the commission of such acts or to the identification or location of an individual who holds a key leadership position in a terrorist and/or gang organization, subject to the approval of the Attorney General and the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated to the Division of State Police, there shall be credited against such amounts such monies as are received by the Division of State Police pursuant to a Memorandum of Understanding between the Division of State Police and the New Jersey Schools Development Authority for services rendered by the Division of State Police in connection with the school construction program.

In addition to the amount hereinabove appropriated for the Drunk Driver Fund Program, there is appropriated $612,000 from the New Jersey Motor Vehicle Commission for the Drunk Driver Fund Program.

Notwithstanding the provisions of any other law or regulation to the contrary, none of the monies appropriated to the Division of State Police shall be used to provide police protection to the inhabitants of rural sections pursuant to R.S.53:2-1 in a municipality in which such services were not provided in the previous fiscal year or to expand such services in a municipality beyond the level at which such services were provided in the previous fiscal year.

Of the amounts hereinabove appropriated in the Rural Section Policing account, amounts may be transferred to salary and other operating accounts within the Division of State Police, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional amounts as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

06-1200 State Police Operations $765,000
Total Grants-in-Aid Appropriation, Law Enforcement $765,000

Grants-in-Aid:

06 Nuclear Emergency Response Program ..... ($765,000)

STATE AID

06-1200 State Police Operations $2,000,000
(From Property Tax Relief Fund ..... $2,000,000)
Total State Aid Appropriation, Law Enforcement $2,000,000
(From Property Tax Relief Fund ..... $2,000,000)

State Aid:

06 Essex Crime Prevention (PTRF) ..... ($2,000,000)

13 Special Law Enforcement Activities
DIRECT STATE SERVICES

03-1160 Office of Highway Traffic Safety $598,000
17-1420 Election Law Enforcement 6,325,000
20-1450 Review and Enforcement of Ethical Standards 1,043,000
Total Direct State Services Appropriation, Special Law Enforcement Activities $7,966,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($4,863,000)
Materials and Supplies ..... (66,000)
Services Other Than Personal ..... (429,000)
Maintenance and Fixed Charges ..... (10,000)
Special Purpose:
03 Federal Highway Safety Program ..... (598,000)

17 Election Law Enforcement Commission Technology Upgrades .....(2,000,000)

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1) or any other law or regulation to the contrary, an amount not to exceed $4,799,000 from receipts from fees and penalties collected by the Division of Alcoholic Beverage Control shall be deposited in the General Fund as State revenue.

From the receipts from uncashed pari-mutuel winning tickets and the regulation, supervision, licensing, and enforcement of all New Jersey Racing Commission activities and functions, such sums as may be required are appropriated for the purpose of offsetting the costs of the administration and operation of the New Jersey Racing Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from breakage monies and uncashed pari-mutuel winning tickets resulting from off-track and account wagering and any reimbursement assessment against permit holders or successors in interest to permit holders shall be distributed to the New Jersey Racing Commission in accordance with the provisions of the "Off Track and Account Wagering Act," P.L.2001, c.199 (C.5:5-127 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 11 of P.L.1991, c.244 (C.52:13C-23.1) are appropriated for the purpose of offsetting additional operational costs of the New Jersey Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the New Jersey Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Of the receipts from the regulation, supervision, and licensing of all State Athletic Control Board activities and functions, an amount is appropriated for the purpose of offsetting the costs of the administration and operation of the State Athletic Control Board, subject to the approval of the Director of the Division of Budget and Accounting.

18 Juvenile Services

DIRECT STATE SERVICES

34-1500	Juvenile Community Programs	$25,545,000
35-1505	Institutional Control and Supervision	37,445,000
36-1505	Institutional Care and Treatment	18,649,000
40-1500	Juvenile Parole and Transitional Services	5,535,000
99-1500	Administration and Support Services	17,329,000
	Total Direct State Services Appropriation, Juvenile Services ..	$104,503,000

Direct State Services:

Personal Services:

Salaries and Wages ..... ($82,249,000)
Food in Lieu of Cash ..... (203,000)
Materials and Supplies ..... (7,254,000)
Services Other Than Personal ..... (9,645,000)
Maintenance and Fixed Charges ..... (3,014,000)
Special Purpose:
34 Juvenile Justice Initiatives ..... (700,000)
34 Social Services Block Grant - State Match ..... (32,000)
99 Johnstone Facility Maintenance ..... (457,000)
99 Juvenile Justice - State Matching Funds ..... (200,000)
99 Custody and Civilian Staff Training ..... (200,000)
Additions, Improvements and Equipment ..... (549,000)

Receipts from the eyeglass program at the New Jersey Training School for Boys and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program.

GRANTS-IN-AID

34-1500 Juvenile Community Programs $16,599,000
Total Grants-in-Aid Appropriation, Juvenile Services $16,599,000

Grants-in-Aid:
34 Juvenile Detention Alternative Initiative ..... ($1,900,000)
34 Alternatives to Juvenile Incarceration Programs ..... (1,624,000)
34 Crisis Intervention Program ..... (4,292,000)
34 State/Community Partnership Grants ..... (8,470,000)
34 Purchase of Services for Juvenile Offenders ..... (313,000)

Of the amounts hereinabove appropriated for the Juvenile Detention Alternative Initiative, such amounts as may be required shall be transferred to various Direct State Service operating accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated in the various Grants-In-Aid accounts, the Juvenile Justice Commission shall assure that Grants-In-Aid recipients demonstrate cultural competency to serve clients within their respective communities and offer training opportunities in cultural competence to staff of community-based organizations the recipients may serve.

19 Central Planning, Direction and Management
DIRECT STATE SERVICES

13-1005 Homeland Security and Preparedness $3,845,000
99-1000 Administration and Support Services 9,825,000
Total Direct State Services Appropriation, Central Planning, Direction and Management $13,670,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($7,528,000)

Materials and Supplies.....(74,000)
Services Other Than Personal.....(454,000)
Maintenance and Fixed Charges.....(22,000)
Special Purpose:
13 Office of Homeland Security and Preparedness .....(3,845,000)
99 Atlantic City Tourism District .....(290,000)
99 Office of Law Enforcement Professional Standards.....(1,436,000)
Additions, Improvements and Equipment .....(21,000)

Notwithstanding the provisions of any law or regulation to the contrary, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to N.J.S.2C:64-6, are appropriated for law enforcement purposes designated by the Attorney General.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on August 1, 2014 and February 1, 2015, of the use and disposition by State law enforcement agencies, including the offices of the county prosecutors, of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies. The reports shall provide an itemized accounting of all proceeds expended and shall specify with particularity the nature and purpose of each such expenditure.

Penalties, fines, and other fees collected pursuant to N.J.S.2C:35-20 and deposited into the State Forensic Laboratory Fund, together with the unexpended balance at the end of the preceding fiscal year, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Office of Homeland Security and Preparedness is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed $7,200,000, are appropriated for the Office of Homeland Security and Preparedness and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Office of Homeland Security and Preparedness, such additional amounts as may be required are appropriated for the purposes of providing State matching funds for federal grants related to homeland security and such amounts may be transferred to other departments and State agencies for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

The unexpended balance at the end of the preceding fiscal year in the Capital for Homeland Security Critical Infrastructure account is appropriated and such amounts may be transferred to other departments and State agencies for any State and/or local homeland security purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by State funds appropriated in this fiscal year, to the Department of Law and Public Safety, for Homeland Security and Preparedness under program classification, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. Purchases made without public bidding shall be from vendors that shall: (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the Director of the Office of Homeland Security and Preparedness. The equipment, goods or services purchased by a local government unit receiving such State funds by subgrant, shall be referred to in the grant agreement issued by the Office of Homeland Security and Preparedness and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit and the Division of Local Government Services in the Department of Community Affairs.

70 Government Direction, Management, and Control
74 General Government Services
DIRECT STATE SERVICES

12-1010 Legal Services $70,135,000
Subtotal Direct State Services, General Government Services $70,135,000
Less:
Legal Services $56,196,000
Total Income Deductions $56,196,000
Total Direct State Services Appropriation, General Government Services $13,939,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($11,812,000)
Materials and Supplies ..... (89,000)
Services Other Than Personal ..... (462,000)
Maintenance and Fixed Charges ..... (134,000)
Special Purpose:
12 Legal Services ..... (56,196,000)
12 Child Welfare Unit ..... (1,442,000)
Less:
Income Deductions 56,196,000

In addition to the $56,195,655 attributable to Reimbursements from Other Sources and the corresponding additional amount associated with employee fringe benefit costs, there are appropriated such sums as may be received or receivable from any State agency, instrumentality or public authority for direct or indirect costs of legal services furnished thereto and attributable to a change in or the addition of a client agency agreement, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch, or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to that other department, branch, or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State fund are appropriated for the purpose of such transfer.

Notwithstanding the provisions of any law or regulation to the contrary, revenues derived from penalties, cost recoveries, restitution or other recoveries to the State are appropriated to offset unbudgeted, extraordinary costs of legal, investigative, administrative, expert witnesses and other services, incurred by the Division of Law related to litigation and acting on behalf of the State and State agencies and the costs of settlements and judgments as determined by the Division of Law. Such sums shall first be charged to any revenues derived from recoveries

collected by the State and are also appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services
82 Protection of Citizens' Rights
DIRECT STATE SERVICES

14-1310 Consumer Affairs $7,857,000
15-1318 Operation of State Professional Boards 17,633,000
(From General Fund ..... $17,541,000)
(From Casino Revenue Fund ..... 92,000)
16-1350 Protection of Civil Rights 4,527,000
19-1440 Victims of Crime Compensation Office 4,534,000
Total Direct State Services Appropriation, Protection of Citizens' Rights $34,551,000
(From General Fund ..... $34,459,000)
(From Casino Revenue Fund ..... 92,000)

Direct State Services:

Personal Services:
Salaries and Wages ..... ($9,217,000)
Salaries and Wages (CRF) ..... (57,000)
Employee Benefits (CRF) ..... (29,000)
(From General Fund ..... $9,217,000)
(From Casino Revenue Fund ..... 86,000)
Materials and Supplies ..... (98,000)
Services Other Than Personal ..... (15,326,000)
Services Other Than Personal (CRF) ..... (6,000)
Maintenance and Fixed Charges ..... (181,000)
Special Purpose:
14 Consumer Affairs Legalized Games of Chance ..... (1,200,000)
14 Securities Enforcement Fund ..... (893,000)
14 Prescription Drug Monitoring Program ..... (500,000)
14 Consumer Affairs Weights and Measures Program . (2,612,000)
14 Consumer Affairs Charitable Registrations Program .. (556,000)
15 Operation of State Professional Boards ..... (4,000)
15 Personal Care Attendants - Background Checks ..... (500,000)
19 Claims - Victims of Crime ..... (3,372,000)

In addition to the amount hereinabove appropriated for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from penalties and the unexpended balance at the end of the preceding fiscal year in the Consumer Fraud Education Fund program account pursuant to P.L.1999, c.129 (C.56:8-14.2 et seq.) are appropriated for the purpose of offsetting the cost of operating the program and for use by the Department of Law and Public Safety to support departmental efforts related to critical training, equipment, facility needs, background checks and investigations required by law, and unanticipated costs related to enforcement needs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated pursuant to P.L.1954, c.7 (C.5:8-1 et seq.) from the operations of the Division of Consumer Affairs Legalized Games of Chance program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). Notwithstanding the provisions of any law or regulation to the contrary, an amount not less than that anticipated as General Fund revenue from receipts from fees and penalties collected by the Securities Enforcement Fund shall be transferred to the General Fund as State revenue by April 1. The unexpended balance at the end of the preceding fiscal year is appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program and for use by the Department of Law and Public Safety to support departmental efforts related to suicide and violence prevention, fire safety, anti-gang activities, background checks and investigations required by law, critical equipment or facility needs, and unanticipated public safety or citizen protection needs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts in excess of the amount anticipated and the unexpended balances at the end of the preceding fiscal year are appropriated to the Controlled Dangerous Substance Registration Program for the purpose of offsetting the costs of the administration and operation of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from the assessment and recovery of costs, fines, and penalties as well as other receipts received pursuant to the Consumer Fraud Act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated and may be transferred for additional operational costs of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to R.S.51:1-1 et seq. from the operations of the Division of Consumer Affairs, Office of Weights and Measures program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated pursuant to P.L.1994, c.16 (C.45:17A-18 et seq.) from the operations of the Division of Consumer Affairs Charitable Registration and Investigation program and the unexpended balances at the end of the preceding fiscal year, are appropriated for the purpose of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for each of the several State professional boards, advisory boards, and committees shall be payable from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities, and the unexpended balances at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to offset operational costs of the Division.

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a), or any law or regulation to the contrary, any receipts from the assessment of fines, fees, and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.) are appropriated to the Division on Civil Rights for operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

The unexpended balances at the end of the preceding fiscal year in the Office of Victim-Witness Assistance pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated for the same purpose.

The amount hereinabove appropriated for Claims - Victims of Crime is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts from assessments pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance at the end of the preceding fiscal year in the Criminal Disposition and Revenue Collection Fund program account, are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection Fund program and payment of claims of victims of crime, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance at the end of the preceding fiscal year are appropriated for payment of claims of victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional Victims of Crime

Compensation Office operational costs up to $1,425,000, and $98,000 for the Office's Strategic IT Automation Initiative, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove is appropriated from the Casino Revenue Fund for the costs associated with the operation of the New Jersey Board of Nursing.

Department of Law and Public Safety, Total State Appropriation $511,216,000

Receipts from the provision of copies, the processing of credit cards and other materials related to compliance with section 6 of P.L.2001, c.404 (C.47:1A-5), are appropriated for the purpose of offsetting costs related to the public access of government records.

All registration fees, tuition fees, training fees, and all other fees received for reimbursement for attendance at courses conducted by any division in the Department of Law and Public Safety are appropriated for the purposes of offsetting the operating expenses of the courses, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 2 of P.L.1974, c.46 (c.45:1-3.2) or any law or regulation to the contrary, an amount not to exceed $50,000,000, subject to the approval of the Attorney General, is hereby appropriated from the unexpended balances of the several State professional boards, advisory boards, and committees located in the Department of Law and Public Safety which are not otherwise required to be expended for the purposes of such professional boards, advisory boards and committees to pay for the costs and expenses of the various divisions within the Department of Law and Public Safety as determined by the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Department of Law and Public Safety Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$491,852,000
Grants-in-Aid	17,364,000
State Aid	2,000,000
Appropriations by Fund:	
General Fund	$456,921,000
Casino Control Fund	52,203,000
Casino Revenue Fund	92,000
Property Tax Relief Fund	2,000,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

DIRECT STATE SERVICES

40-3620	New Jersey National Guard Support Services	$3,863,000
60-3600	Joint Training Center Management and Operations	164,000
99-3600	Administration and Support Services	3,740,000
	Total Direct State Services Appropriation, Military Services	$7,767,000

Direct State Services:

Personal Services:
- Salaries and Wages ($3,701,000)

Materials and Supplies (532,000)

Services Other Than Personal (935,000)

Maintenance and Fixed Charges (1,077,000)

Special Purpose:
- 40 National Guard-State Active Duty (50,000)
- 40 New Jersey National Guard Challenge Youth Program (265,000)
- 40 Joint Federal-State Operations and Maintenance Contracts (State Share) (1,152,000)

Additions, Improvements and Equipment (55,000)

The unexpended balance at the end of the preceding fiscal year in the National Guard - State Active Duty account is appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Joint Federal - State Operations and Maintenance Contracts (State Share) account is appropriated for the same purpose.

Receipts from the rental and use of armories and the unexpended balance at the end of the preceding fiscal year in the receipt account are appropriated for the operation and maintenance thereof, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for New Jersey National Guard Support Services, funds received for Distance Learning Program use are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the sale of solar energy credits and the unexpended balance at the end of the preceding fiscal year in the receipt account are appropriated for the operation and maintenance of other energy program projects.

80 Special Government Services

83 Services to Veterans

3610 Veterans' Program Support

DIRECT STATE SERVICES

50-3610	Veterans' Outreach and Assistance	$3,863,000
51-3610	Veterans' Haven	2,024,000

70-3610 Burial Services 1,942,000
Total Direct State Services Appropriation, Veterans' Program Support $7,829,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($5,527,000)
Materials and Supplies ..... (724,000)
Services Other Than Personal ..... (369,000)
Maintenance and Fixed Charges ..... (100,000)
Special Purpose:
50 Payment of Military Leave Benefits ..... (150,000)
50 Veterans' State Benefits Bureau ..... (150,000)
50 Maintenance for Memorials ..... (386,000)
70 Honor Guard Support Services ..... (423,000)

Funds collected by and on behalf of the Korean Veterans' Memorial Fund are hereby appropriated for the purposes of the fund.

Funds received for Veterans' Transitional Housing from the U.S. Department of Veterans Affairs and the individual residents, and the unexpended balance at the end of the preceding fiscal year, in the receipt account are appropriated for the same purpose.

Funds received for plot interment allowances from the U.S. Department of Veterans Affairs, burial fees collected, and the unexpended program balances at the end of the preceding fiscal year are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General William C. Doyle Veterans Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated to the Department of Military and Veterans' Affairs for the purpose of reforestation or "in lieu of" payments under the P.L.1993, c.106 (C.13:1L-14.1 et seq.) in conjunction with the current or future operation, maintenance and construction of the Brigadier General William C. Doyle Veterans' Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

Notwithstanding the provisions of section 4 of P.L.2001, c.351 (C.52:13H-2.1) or any other law or regulation to the contrary, the amount hereinabove appropriated for Payment of Military Leave Benefits is subject to the following conditions: it shall be the responsibility of the Department of Military and Veterans' Affairs to accept, review, and approve applications by a county, municipal governing body, or board of education for reimbursement of eligible costs incurred as a result of the provisions of P.L.2001, c.351, and to reimburse such costs from the Payment of Military Leave Benefits account.

From the amount hereinabove appropriated for the Support Services for Returning Veterans, such sums as may be required may be transferred to Veterans Outreach and Assistance-Direct State Services, Veterans Haven North and South -

Direct State Services and Veterans' Transportation Grants-In-Aid, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

50-3610 Veterans' Outreach and Assistance $2,459,000
Total Grants-in-Aid Appropriation, Veterans' Program $2,459,000

Grants-in-Aid:

50 Support Services for Returning Veterans ..... ($550,000)
50 Veterans' Tuition Credit Program ..... (8,000)
50 POW/MIA Tuition Assistance ..... (1,000)
50 Vietnam Veterans' Tuition Aid ..... (2,000)
50 Veterans' Transportation ..... (335,000)
50 Veterans' Orphan Fund - Education Grants ..... (3,000)
50 Blind Veterans' Allowances ..... (40,000)
50 Paraplegic and Hemiplegic Veterans' Allowance ..... (220,000)
50 Post Traumatic Stress Disorder ..... (1,300,000)

3630 Menlo Park Veterans' Memorial Home

DIRECT STATE SERVICES

20-3630 Domiciliary and Treatment Services $20,224,000
99-3630 Administration and Support Services 5,568,000
Total Direct State Services Appropriation, Menlo Park Veterans' Memorial Home $25,792,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($21,675,000)
Materials and Supplies ..... (2,207,000)
Services Other Than Personal ..... (1,536,000)
Maintenance and Fixed Charges ..... (260,000)
Additions, Improvements and Equipment ..... (114,000)

GRANTS-IN-AID

20-3630 Domiciliary and Treatment Services $55,000
Total Grants-in-Aid Appropriation, Menlo Park Veterans' Memorial Home $55,000

Grants-in-Aid:

20 Prescription Drug Program ..... ($55,000)

3640 Paramus Veterans' Memorial Home

DIRECT STATE SERVICES

20-3640 Domiciliary and Treatment Services $20,001,000
99-3640 Administration and Support Services 4,573,000
Total Direct State Services Appropriation, Paramus Veterans' Memorial Home $24,574,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($21,494,000)
Materials and Supplies ..... (1,520,000)
Services Other Than Personal ..... (1,335,000)
Maintenance and Fixed Charges ..... (184,000)
Additions, Improvements and Equipment ..... (41,000)

GRANTS-IN-AID

20-3640 Domiciliary and Treatment Services $55,000
Total Grants-in-Aid Appropriation, Paramus Veterans' Memorial Home $55,000

Grants-in-Aid:
20 Prescription Drug Program ..... ($55,000)

3650 Vineland Veterans' Memorial Home
DIRECT STATE SERVICES

20-3650 Domiciliary and Treatment Services $21,603,000
99-3650 Administration and Support Services 5,515,000
Total Direct State Services Appropriation, Vineland Veterans' Memorial Home $27,118,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($22,544,000)
Materials and Supplies ..... (1,669,000)
Services Other Than Personal ..... (2,467,000)
Maintenance and Fixed Charges ..... (314,000)
Additions, Improvements and Equipment ..... (124,000)

Balances on hand at the end of the preceding fiscal year for the benefit of residents in the several veterans' homes and such funds as may be received, are appropriated for the use of such residents.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided, however, that the allowance shall not exceed $50 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed $100,000, and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Forty percent of the receipts in excess of the amount anticipated derived from resident contributions and the U.S. Department of Veterans Affairs at the end of the

preceding fiscal year are appropriated for veterans' program initiatives, subject to the approval of the Director of the Division of Budget and Accounting of an itemized plan for the expenditure of these amounts, as shall be submitted by the Adjutant General.

Fees charged to residents for personal laundry services provided by the veterans' homes are appropriated to supplement the operational and maintenance costs of these laundry services.

GRANTS-IN-AID

20-3650 Domiciliary and Treatment Services $55,000
Total Grants-in-Aid Appropriation, Vineland Veterans' Memorial Home $55,000

Grants-in-Aid:

20 Prescription Drug Program ..... ($55,000)

Department of Military and Veterans' Affairs, Total State Appropriation $95,704,000

Of the amount hereinabove appropriated for the Department of Military and Veterans' Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Summary of Department of Military and Veterans' Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $93,080,000
Grants-in-Aid 2,624,000
Appropriations by Fund:
General Fund $95,704,000

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74 DEPARTMENT OF STATE
30 Educational, Cultural, and Intellectual Development
36 Higher Educational Services
DIRECT STATE SERVICES

80-2400 Statewide Planning and Coordination for Higher Education $1,376,000
81-2400 Educational Opportunity Fund Programs 388,000
Total Direct State Services Appropriation, Higher Educational Services $1,764,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($1,576,000)

Materials and Supplies.....(9,000)
Services Other Than Personal.....(117,000)
Maintenance and Fixed Charges.....(12,000)
Special Purpose:
Additions, Improvements and Equipment .....(50,000)

GRANTS-IN-AID

80-2400 Statewide Planning and Coordination for Higher Education.... $1,800,000
81-2401 Education Opportunity Fund Programs..... 40,387,000
Total Grants-in-Aid Appropriation, Higher Educational Services $42,187,000

Grants-in-Aid:

80 College Bound .....($1,700,000)
80 Governor's School .....(100,000)
81 Opportunity Program Grants.....(26,910,000)
81 Supplementary Education Program Grants.....(13,477,000)

An amount not to exceed 5% of the total hereinabove appropriated for College Bound is available for transfer to Direct State Services for the administrative expenses of this program, subject to the approval of the Director of the Division of Budget and Accounting.

Refunds from prior years to the College Bound Program are appropriated to that account.

Refunds from prior years to the Educational Opportunity Fund Programs accounts are appropriated to those accounts.

2405 Higher Education Student Assistance Authority

DIRECT STATE SERVICES

At any time prior to the issuance and sale of bonds or other obligations by the Higher Education Student Assistance Authority, the State Treasurer is authorized to transfer from any available monies in any fund of the Treasury of the State to the credit of any fund of the authority such sums as the State Treasurer deems necessary. Any sums so transferred shall be returned to the same fund of the Treasury of the State by the State Treasurer from the proceeds of the sale of the first issue of authority bonds or other authority obligations.

In furtherance of the "Higher Education Student Assistance Authority Law," N.J.S.18A:71A-1 et seq., in the event of a draw upon a debt service reserve surety bond or any other debt service reserve cash equivalent instrument or any insufficiency of such instruments to pay debt service on the bonds issued by the Higher Education Student Assistance Authority, there are appropriated to the Higher Education Student Assistance Authority such sums as are necessary to repay the issuer of such surety bond or such other cash equivalent instrument for such draw or to satisfy such insufficiency, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

45-2405 Student Assistance Programs $376,438,000

Total Grants-in-Aid Appropriation, Higher Education Student Assistance Authority $376,438,000

Grants-in-Aid:

45 Tuition Aid Grants ..... ($355,161,000)
45 Part-Time Tuition Aid Grants for County Colleges ..... (9,782,000)
45 Part-Time Tuition Aid Grants - EOF Students ..... (558,000)
45 Governor's Urban Scholarship Program ..... (700,000)
45 New Jersey World Trade Center Scholarship Program ..... (202,000)
45 New Jersey Student Tuition Assistance Reward Scholarship (NJSTARS I & II) ..... (8,535,000)
45 Primary Care Practitioner Loan Redemption Program ..... (1,500,000)

The unexpended balances at the end of the preceding fiscal year in Student Assistance Programs are appropriated to such programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the sums provided hereinabove in Student Assistance Programs shall be available for payment of liabilities applicable to prior fiscal years.

In order to permit and ensure the timely award of student financial aid grants, amounts may be transferred among accounts in Student Assistance Programs including Survivor Tuition Benefits, subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, funds hereinabove appropriated for Coordinated Garden State Scholarship Programs, Teaching Fellows Program, and Social Services Student Loan Redemption Program shall only be used to fund awards to students who have received awards in the same program prior to fiscal year 2011.

Notwithstanding the provisions of any law or regulation to the contrary, the sums provided hereinabove for Tuition Aid Grants shall provide awards to all qualified applicants at levels not to exceed 2% above those levels provided by the Higher Education Student Assistance Authority in fiscal year 2014. The unexpended balances reappropriated to the Tuition Aid Grant account shall be available to fund increases in the number of applicants qualifying for full-time Tuition Aid Grant awards, to fund increases in award amounts, and to fund shifts in the distribution of awards that result in an increase in program costs.

In addition to the amount hereinabove appropriated for Tuition Aid Grants, there are appropriated such sums as are required to cover the costs of increases in the number of applicants qualifying for full-time Tuition Aid Grant awards or to fund

shifts in the distribution of awards that result in an increase in total program costs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Part-Time Tuition Aid Grants for County Colleges shall be used to provide funds for tuition aid grants for eligible, qualified part-time students enrolled at the county colleges established pursuant to N.J.S.18A:64A-1 et seq. The tuition aid grants shall be used to pay the tuition at a county college established pursuant to N.J.S.18A:64A-1 et seq. Within the limits of available appropriations as determined by the Higher Education Student Assistance Authority, part-time grant awards shall be pro-rated against the full-time grant award for the applicable institutional sector established pursuant to N.J.S.18A:71B-21 as follows: an eligible student enrolled with six to eight credits shall receive one-half of the value of a full-time award and an eligible student enrolled with nine to eleven credits shall receive three-quarters of a full-time award. Students shall apply first for all other forms of federal student assistance grants and scholarships; student eligibility for the Tuition Aid Grant program for part-time enrollment at a community college shall in other respects be determined by the authority in accordance with the criteria established pursuant to N.J.S.18A:71B-20, other than the criterion for full-time enrollment.

The unexpended balances reappropriated to the Part-Time Tuition Aid Grants for County Colleges account shall be available to fund increases in the number of applicants qualifying for Part-Time Tuition Aid Grants for County Colleges awards, to fund increases in award amounts, and to fund shifts in the distribution of awards that result in an increase in program costs.

Receipts derived from voluntary contributions by taxpayers on New Jersey gross income tax returns for the New Jersey World Trade Center Scholarship Fund are appropriated for the purpose of providing scholarships for eligible recipients as defined in P.L.2001, c.442 (C.18A:71B-23.1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarship is subject to the following condition: all NJ STARS II awards must be used at institutions of higher education that offer degrees through the baccalaureate level and which participate in the Tuition Aid Grant program pursuant to N.J.A.C.9A:9-2.1.

Notwithstanding the provisions of any law or regulation to the contrary, the maximum tuition to be used in determining the amount of a NJSTARS award to a student at a county college shall be limited to the in-county tuition charged for students pursuing a full-time course of study at that county college.

Notwithstanding the provisions of subsection b. of section 5 of P.L.2004, c.59 (C.18A:71B-85), none of the funds hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarships shall be used to fund summer semester NJ STARS scholarship awards.

Notwithstanding the provisions of any law or regulation to the contrary, participation in the Tuition Aid Grant program hereinabove appropriated shall be limited

to those institutions that had previously participated in the Tuition Aid Grant program, or had applied in writing to the Higher Education Student Assistance Authority to participate in the Tuition Aid Grant program prior to September 1, 2009 and met all eligibility requirements prior to September 1, 2009.

2410 Rutgers, The State University- New Brunswick

GRANTS-IN-AID

82-2410 Institutional Support $2,487,688,000
Subtotal General Operations $2,487,688,000

Less:

General Services Income $703,915,000
Operating Revenue - Medical Education 152,415,000
Auxiliary Funds Income 294,541,000
Special Funds Income 687,291,000
Employee Fringe Benefits 310,981,000
Total Income Deductions $2,149,143,000
Total Grants-in-Aid Appropriation, Rutgers, The State University - New Brunswick $338,545,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations ..... ($2,341,205,000)
82 Cancer Institute of New Jersey ..... (5,000,000)
82 Child Health Institute ..... (1,700,000)
82 School of Biomedical and Health Sciences ..... (139,783,000)

Less:

Income Deductions 2,149,143,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers-New Brunswick shall be 8,013.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for not more than 1,238 positions, funded by medical services contracts with the Department of Health or the Department of Human Services, are funded by the State.

Notwithstanding the provisions of any law or regulation to the contrary, the amount appropriated hereinabove for Rutgers, The State University Institutional Support is subject to the following conditions: (a) If State funded appropriations for Institutional Support, and the sum of all anticipated Receipts from Tuition Increase, General Services Income, Auxiliary Funds Income, Special Funds Income and Employee Fringe Benefits for Rutgers - Camden are anticipated during the fiscal year to total less than $180,875,000, the Director of the Division of Budget and Accounting shall determine the amount of the difference between that anticipated total and $180,875,000, and transfer from the State General Fund appropriation for Rutgers - New Brunswick to the State General Fund appropriation for Rutgers - Camden, for additional State funded Institutional Support for Rutgers - Camden for the fiscal year, the amount of that difference, with

notice thereof provided by the director to the Legislative Budget and Finance Officer; (b) If State funded appropriations for Institutional Support, and the sum of all anticipated Receipts from Tuition Increase, General Services Income, Auxiliary Funds Income, Special Funds Income and Employee Fringe Benefits for Rutgers - Newark are anticipated during the fiscal year to total less than $346,860,000, the Director of the Division of Budget and Accounting shall determine the amount of the difference between that anticipated total and $346,860,000, and transfer from the State General Fund appropriation for Rutgers - New Brunswick to the State General Fund appropriation for Rutgers - Newark, for additional State funded Institutional Support for Rutgers - Newark for the fiscal year, the amount of that difference, with notice thereof provided by the director to the Legislative Budget and Finance Officer; and (c) the Director of the Division of Budget and Accounting shall be provided access by Rutgers to all financial reports and information necessary to enable the director to calculate the transfer amounts, if any, and provided further, however, that in no circumstance shall a transfer of appropriations by the director occur which interferes with or violates any bond covenants or disclosure responsibilities.

2415 Agricultural Experiment Station

GRANTS-IN-AID

82-2415 Institutional Support	$95,352,000
Subtotal General Operations	$95,352,000
Less:	
Special Funds Income	**$55,062,000**
Federal Research and Extension Funds Income	**8,504,000**
Employee Fringe Benefits	**10,044,000**
Total Income Deductions	**$73,610,000**
Total Grants-in-Aid Appropriation, Rutgers, Agricultural Experiment Station	$21,742,000

Grants-in-Aid:

Special Purpose:	
82 General Institutional Operations	($95,352,000)
Less:	
Income Deductions	**73,610,000**

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the Agricultural Experiment Station shall be 404.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 120 positions, funded by the federal Hatch and Smith/Lever programs, are funded by the State.

Rutgers, The State University of New Jersey is authorized to reallocate appropriations from the General University to the Agricultural Experiment Station, as needed, to assure that there are sufficient funds in the Agricultural Experiment Station to meet federal requirements for the Hatch and Smith/Lever programs.

2416 Rutgers, The State University- Camden
GRANTS-IN-AID

82-2416 Institutional Support $180,875,000
Subtotal General Operations $180,875,000
Less:
General Services Income $80,913,000
Auxiliary Funds Income 13,905,000
Special Funds Income 51,777,000
Employee Fringe Benefits 17,140,000
Total Income Deductions $163,735,000
Total Grants-in-Aid Appropriation, Rutgers, The State University - Camden $17,140,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations ..... ($180,675,000)
82 Clinical Legal Programs for the Poor - Camden Law School ..... (200,000)
Less:
Income Deductions 163,735,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers - Camden shall be 559.

2417 Rutgers, The State University- Newark
GRANTS-IN-AID

82-2417 Institutional Support $346,860,000
Subtotal General Operations $346,860,000
Less:
General Services Income $145,905,000
Auxiliary Funds Income 24,962,000
Special Funds Income 110,001,000
Employee Fringe Benefits 34,176,000
Total Income Deductions $315,044,000
Total Grants-in-Aid Appropriation, Rutgers, The State University - Newark $31,816,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations ..... ($346,660,000)
82 Clinical Legal Programs for the Poor - Newark Law School ..... (200,000)
Less:
Income Deductions 315,044,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rutgers - Newark shall be 1,086.

2430 New Jersey Institute of Technology
GRANTS-IN-AID

82-2430 Institutional Support $357,722,000
Subtotal General Operations $357,722,000
Less:
General Services Income $150,246,000
Auxiliary Funds Income 16,983,000
Special Funds Income 117,665,000
Employee Fringe Benefits 35,132,000
Total Income Deductions $320,026,000
Total Grants-in-Aid Appropriation, New Jersey Institute of Technology $37,696,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .....($357,722,000)
Less:
Income Deductions 320,026,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the New Jersey Institute of Technology shall be 1,187.

2440 Thomas A. Edison State College
GRANTS-IN-AID

82-2440 Institutional Support $74,494,000
Subtotal General Operations $74,494,000
Less:
Self Sustaining Income $19,177,000
General Services Income 39,320,000
Special Funds Income 3,083,000
Employee Fringe Benefits 7,693,000
State-Supported Facilities Cost 1,670,000
Total Income Deductions $70,943,000
Total Grants-in-Aid Appropriation, Thomas A. Edison State College $3,551,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .....($74,494,000)
Less:
Income Deductions 70,943,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Thomas A. Edison State College shall be 228.

2445 Rowan University
GRANTS-IN-AID

82-2445 Institutional Support $409,505,000
Subtotal General Operations $409,505,000
Less:
General Services Income $161,915,000
Auxiliary Funds Income 41,652,000
Special Funds Income 64,001,000
Employee Fringe Benefits 53,145,000
Total Income Deductions $320,713,000
Total Grants-in-Aid Appropriation, Rowan University $88,792,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .....($351,429,000)
82 Cooper Medical School of Rowan University ..... (11,550,000)
82 Cooper Medical School - Cooper University Hospital Support ..... (16,297,000)
82 School of Osteopathic Medicine ..... (30,229,000)
Less:
Income Deductions 320,713,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rowan University shall be 1,532.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for not more than 105 positions at Cooper Medical School of Rowan University are funded by the State.

2450 New Jersey City University
GRANTS-IN-AID

82-2450 Institutional Support $155,124,000
Subtotal General Operations $155,124,000
Less:
General Services Income $48,076,000
A.H. Moore Program Receipts 8,329,000
Auxiliary Funds Income 7,939,000
Special Funds Income 35,503,000
Employee Fringe Benefits 29,221,000
Total Income Deductions $129,068,000
Total Grants-in-Aid Appropriation, New Jersey City University $26,056,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .....($155,124,000)
Less:
Income Deductions 129,068,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at New Jersey City University shall be 1,129.

2455 Kean University

GRANTS-IN-AID

82-2455 Institutional Support $237,273,000
Subtotal General Operations $237,273,000
Less:
General Services Income $144,365,000
Auxiliary Funds Income 19,202,000
Special Funds Income 7,231,000
Employee Fringe Benefits 33,638,000
Total Income Deductions $204,436,000
Total Grants-in-Aid Appropriation, Kean University $32,837,000

Grants-in-Aid:

Special Purpose:
82 General Institutional Operations .....($237,273,000)
Less:
Income Deductions 204,436,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Kean University shall be 1,074.

2460 William Paterson University of New Jersey

GRANTS-IN-AID

82-2460 Institutional Support $225,599,000
Subtotal General Operations $225,599,000
Less:
General Services Income $91,729,000
Auxiliary Funds Income 24,884,000
Special Funds Income 39,097,000
Employee Fringe Benefits 37,141,000
Total Income Deductions $192,851,000
Total Grants-in-Aid Appropriation, William Paterson University of New Jersey $32,748,000

Grants-in-Aid:

Special Purpose:
82 General Institutional Operations .....($225,599,000)
Less:
Income Deductions 192,851,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at William Paterson University of New Jersey shall be 1,111.

2465 Montclair State University
GRANTS-IN-AID

82-2465 Institutional Support $394,595,000
Subtotal General Operations $394,595,000
Less:
General Services Income $152,374,000
Conservation School Receipts 510,000
Auxiliary Funds Income 75,036,000
Special Funds Income 80,822,000
Employee Fringe Benefits 47,240,000
Total Income Deductions $355,982,000
Total Grants-in-Aid Appropriation, Montclair State University $38,613,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .....($394,595,000)
Less:
Income Deductions 355,982,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Montclair State University shall be 1,316.

2470 The College of New Jersey
GRANTS-IN-AID

82-2470 Institutional Support $232,423,000
Subtotal General Operations $232,423,000
Less:
General Services Income $83,550,000
Auxiliary Funds Income 80,283,000
Special Funds Income 7,882,000
Employee Fringe Benefits 31,391,000
Total Income Deductions $203,106,000
Total Grants-in-Aid Appropriation, The College of New Jersey $29,317,000

Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .....($232,423,000)
Less:
Income Deductions 203,106,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at The College of New Jersey shall be 859.

2475 Ramapo College of New Jersey
GRANTS-IN-AID

82-2475 Institutional Support $137,770,000

Subtotal General Operations $137,770,000
Less:
General Services Income $53,412,000
Auxiliary Funds Income 35,709,000
Special Funds Income 12,857,000
Employee Fringe Benefits 19,662,000
Total Income Deductions $121,640,000
Total Grants-in-Aid Appropriation, Ramapo College of New Jersey $16,130,000
Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .....($137,770,000)
Less:
Income Deductions 121,640,000
For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Ramapo College of New Jersey shall be 573.

2480 The Richard Stockton College of New Jersey
GRANTS-IN-AID

82-2480 Institutional Support $201,891,000
Subtotal General Operations $201,891,000
Less:
General Services Income $88,298,000
Auxiliary Funds Income 36,462,000
Special Funds Income 30,160,000
Employee Fringe Benefits 27,132,000
Total Income Deductions $182,052,000
Total Grants-in-Aid Appropriation, The Richard Stockton College of New Jersey $19,839,000
Grants-in-Aid:
Special Purpose:
82 General Institutional Operations .....($201,891,000)
Less:
Income Deductions 182,052,000
For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at The Richard Stockton College of New Jersey shall be 764.

2485 University Hospital
GRANTS-IN-AID

82-2485 Institutional Support $43,841,000
Total Grants-in-Aid Appropriation, University Hospital $43,841,000
Grants-in-Aid:

Special Purpose:
82 University Hospital ..... ($43,841,000)
For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at University Hospital shall be 2,923.

Higher Educational Services

Notwithstanding the provisions of any law or regulation to the contrary, from the sums hereinabove appropriated for Higher Educational Services-Institutional Support in each of the senior public institutions of higher education, there are allocated such sums as are required to provide the reimbursement to cover tuition costs of the National Guard members pursuant to subsection b. of section 21 of P.L.1999, c.46 (C.18A:62-24).

Notwithstanding the provisions of any law or regulation to the contrary, from the sums hereinabove appropriated for Higher Educational Services-Institutional Support in each of the senior public institutions of higher education, there are allocated such amounts as may be required to fund lease or rental costs which may be charged by such senior public institutions for any State department, agency, authority or commission facilities located on the campus of any senior public institution of higher education.

Public colleges and universities are authorized to provide a voluntary employee furlough program.

Notwithstanding the provisions of any law or regulation to the contrary, any funds appropriated as Grants-In-Aid and payable to any senior public college or university which requests approval from the Educational Facilities Authority and the Director of the Division of Budget and Accounting may be pledged as a guarantee for payment of principal and interest on any bonds issued by the Educational Facilities Authority or by the college or university. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of written notification by the Educational Facilities Authority or the Director of the Division of Budget and Accounting that the college or university does not have sufficient funds available for prompt payment of principal and interest on such bonds, and shall be paid by the State Treasurer directly to the holders of such bonds at such time and in such amounts as specified by the bond indenture, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Of the amount hereinabove appropriated for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document first shall be charged to the State Lottery Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the senior public institutions of higher education shall be paid to each institution in twelve equal installments on the last business day of each month.

Notwithstanding the provisions of any law or regulation to the contrary, no amount hereinabove appropriated for any senior public institution of higher education shall be paid until the institution remits its quarterly fringe benefit reimbursement for positions in excess of the number of State-funded positions provided in this act, by the deadline and in the manner required by the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any law or regulation to the contrary, the amounts hereinabove appropriated for Institutional Support of the various State institutions of higher education are conditioned upon the following: no sum shall be expended for payment as a settlement, buyout, separation payment, severance pay or any other form of monetary payment of any kind whatsoever in connection with the termination of, or separation from, the employment prior to the end of the term of an existing contract of any officer or employee of such institution who receives annual compensation in excess of $250,000.

Of the amounts hereinabove appropriated for University Hospital and Cooper Medical School - Cooper University Hospital Support, the Director of the Division of Budget and Accounting may transfer such amounts as are determined to be necessary to the Division of Medical Assistance and Health Services to maximize federal Medicaid funds.

Funds appropriated to Rutgers University for purposes of medical education are authorized to be used as necessary by the Director of Budget and Accounting and the Division of Medical Assistance and Health Services, consistent with CMS guidelines, solely to maximize federal Medicaid payments to faculty physicians and non-physician professionals who are affiliated with the aforementioned respective medical schools.

Funds appropriated to Rowan University for purposes of medical education at Cooper Medical School of Rowan University and the Rowan School of Osteopathic Medicine are authorized to be used as necessary by the Director of Budget and Accounting and the Division of Medical Assistance, consistent with CMS guidelines, solely to maximize federal Medicaid payments to faculty physicians and non-physician professionals who are affiliated with the aforementioned respective medical schools.

37 Cultural and Intellectual Development Services
2541 Division of State Library
DIRECT STATE SERVICES

51-2541 Library Services	$5,251,000
Total Direct State Services Appropriation, Division of State Library	$5,251,000

Direct State Services:

Personal Services:	
Salaries and Wages	($4,113,000)
Materials and Supplies	(418,000)
Services Other Than Personal	(193,000)

Maintenance and Fixed Charges ..... (27,000)
Special Purpose:
51 Supplies and Extended Services ..... (500,000)
Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Direct State Services for the New Jersey State Library, excluding amounts appropriated to Special Purpose accounts, shall be paid in twelve equal installments, on the last business day of each month.

STATE AID

51-2541 Library Services $7,975,000
Total State Aid Appropriation, Division of State Library $7,975,000
State Aid:
51 Per Capita Library Aid ..... ($3,676,000)
51 Library Network ..... (4,299,000)

37 Cultural and Intellectual Development Services
DIRECT STATE SERVICES

05-2530 Support of the Arts $405,000
06-2535 Museum Services 2,242,000
07-2540 Development of Historical Resources 289,000
Total Direct State Services Appropriation, Cultural and Intellectual Development Services $2,936,000
Direct State Services:
Personal Services:
Salaries and Wages ..... ($2,450,000)
Materials and Supplies ..... (92,000)
Services Other Than Personal ..... (300,000)
Maintenance and Fixed Charges ..... (94,000)

GRANTS-IN-AID

05-2530 Support of the Arts $16,000,000
07-2540 Development of Historical Resources 2,700,000
Total Grants-in-Aid Appropriation, Cultural and Intellectual Development Services $18,700,000
Grants-in-Aid:
05 Cultural Projects ..... ($16,000,000)
07 New Jersey Historical Commission - Agency Grants ..... (2,700,000)
Of the amount hereinabove appropriated for Cultural Projects, an amount not to exceed $100,000 may be used for administrative purposes, and an amount not to exceed $150,000 may be used for the assessment and oversight of cultural projects, including administrative costs attendant to this function, in compliance with all pertinent State and federal laws and regulations including the "Single

Audit Act of 1984," Pub.L. 98-502 (31 U.S.C. s.7501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Cultural Projects, the value of project grants awarded within each county shall total not less than $50,000.

Of the amount hereinabove appropriated for Cultural Projects, funds may be used for the purpose of matching federal grants.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Cultural Projects, 25% shall be awarded to cultural groups or artists based in the eight southernmost counties (Cape May, Salem, Cumberland, Gloucester, Camden, Ocean, Atlantic, and Burlington); provided, however, that the calculation of such 25% allocation shall not include the first $1,000,000 of any grants that may be awarded to the New Jersey Performing Arts Center or the Rutgers Camden Performing Arts Center.

Notwithstanding the provisions of section 4 of P.L.1999, c.131 (C.18A:73-22.4), of the amount hereinabove appropriated for New Jersey Historical Commission - Agency Grants, an amount not to exceed $200,000 is appropriated for administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management, and Control
74 General Government Services
DIRECT STATE SERVICES

01-2505	Office of the Secretary of State	$3,392,000
02-2510	Business Action Center	13,553,000
08-2545	State Archives	841,000
25-2525	Election Management and Coordination	591,000
	Total Direct State Services Appropriation, General Government Services	$18,377,000

Direct State Services:

Personal Services:	
Salaries and Wages	($6,530,000)
Materials and Supplies	(134,000)
Services Other Than Personal	(630,000)
Maintenance and Fixed Charges	(26,000)
Special Purpose:	
01 Office of Volunteerism	(79,000)
01 Office of Programs	(424,000)
02 Office of Economic Growth	(1,104,000)
02 New Jersey Motion Picture Commission	(450,000)
02 Travel and Tourism Advertising and Promotion	(9,000,000)

Of the amount hereinabove appropriated to the Business Action Center, an amount up to $250,000 is appropriated for New Jersey Small Business Development Centers, pursuant to a spending plan approved by the Secretary of State.

The Secretary of State shall report semi-annually on the expenditure during the preceding six months of State funds hereinabove appropriated for Travel and Tourism Advertising and Promotion and private contributions to this program. The first semi-annual report shall be completed not later than 30 days following the end of the second quarter of the fiscal year, the second semi-annual report shall be completed not later than 30 days following the end of the fiscal year, and both reports shall be submitted to the State Treasurer, the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

Receipts from the examination of voting machines by Election Management and Coordination and the unexpended balance at the end of the preceding fiscal year of those receipts are appropriated for the costs of making such examinations.

The unexpended balance at the end of the preceding fiscal year in the Help America Vote Act - State Match account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-2505 Office of the Secretary of State $3,025,000

Total Grants-in-Aid Appropriation, General Government Services $3,025,000

Grants-in-Aid:

01 Office of Programs ..... ($1,350,000)

01 Center for Hispanic Policy, Research and Development ..... (1,175,000)

01 Cultural Trust ..... (500,000)

Of the amount hereinabove appropriated for the Office of Programs, an amount not to exceed $50,000 may be used for administrative purposes, including the oversight of cultural projects, to ensure their compliance with all applicable State and federal laws and regulations including the "Single Audit Act of 1984," Pub.L. 98-502 (31 U.S.C. s.7501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

25-2525 Election Management and Coordination $16,270,000

Total State Aid Appropriation, General Government Services $16,270,000

State Aid:

25 Extended Polling Place Hours ..... ($16,270,000)

In addition to the amount hereinabove appropriated for Extended Polling Place Hours, there are appropriated such amounts as are required to provide required reimbursements to county Boards of Election, subject to the approval of the Director of the Division of Budget and Accounting.

Department of State, Total State Appropriation $1,271,586,000

Pursuant to the provisions of P.L.2003, c.114 (C.54:32D-1 et al.), the amounts hereinabove appropriated for the purpose of promoting cultural and tourism activities in this State first shall be charged to revenues derived from the hotel and motel occupancy fee.

Summary of Department of State Appropriations
(For Display Purposes Only)

Appropriations by Category:	
Direct State Services	$28,328,000
Grants-in-Aid	$1,219,013,000
State Aid	$24,245,000
Appropriations by Fund:	
General Fund	$1,271,586,000

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78 DEPARTMENT OF TRANSPORTATION
10 Public Safety and Criminal Justice
11 Vehicular Safety
DIRECT STATE SERVICES

Notwithstanding the provisions of the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of R.S.39:8-2, balances in the fund are available for Other-Clean Air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, $5,000,000 of monies received in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) shall be deposited in the General Fund as State revenue and appropriated for New Jersey Transit Corporation, and existing Commercial Vehicle Enforcement Fund balances are appropriated to offset all reasonable and necessary expenses of the Division of State Police, the New Jersey Motor Vehicle Commission, the Department of Transportation, and the Department of Environmental Protection in the performance of commercial vehicle safety and emission inspections and Other-Clean Air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the New Jersey emergency medical service helicopter response act under subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), are appropriated to the Division of State Police and the Department of Health to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance at the end of the preceding fiscal year is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, pursuant to P.L.2006, c.39 (C.39:3-8.3 et seq.), receipts that are derived from the surcharge on luxury and fuel-inefficient vehicles shall be deposited into the General Fund as State revenue.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, an amount not to exceed $10,000,000 from receipts from the increase in motor vehicle fees imposed in 2009 shall be deposited into the General Fund as State revenue.

The amount appropriated to the New Jersey Motor Vehicle Commission is based on proportional revenue collections for that fiscal year pursuant to the statutes listed in subsection a. of section 105 of P.L.2003, c.13 (C.39:2A-36). Of that amount, $2,500,000 is appropriated for transfer to the Inter-Departmental Property Rental and Household and Security accounts, $5,150,000 is appropriated for transfer to the Department of Transportation for the Maintenance and Operations program, $4,800,000 is appropriated for transfer to the Division of Revenue and Enterprise Services within the Department of the Treasury, $612,000 is appropriated for transfer to the Division of State Police, and $800,000 is appropriated for transfer to the Bureau of Forestry within the Department of Environmental Protection for its Forest Fire Fighting Program. In addition, the New Jersey Motor Vehicle Commission shall pay the non-State hourly rate charged by the Office of Administrative Law for hearing services, or an amount no less than $500,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, $31,388,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for deposit in the General Fund to reflect continuing savings initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, $10,940,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for transfer to the Inter-Departmental Property Rentals account to reflect savings from implementation of management and procurement efficiencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law to the contrary, $3,165,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for deposit in the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

60 Transportation Programs
61 State and Local Highway Facilities
DIRECT STATE SERVICES

06-6100	Maintenance and Operations	$38,056,000
08-6120	Physical Plant and Support Services	5,486,000

Total Direct State Services Appropriation, State and
Local Highway Facilities $43,542,000

Direct State Services:

Personal Services:
Salaries and Wages ..... ($22,502,000)
Materials and Supplies ..... (11,855,000)
Services Other Than Personal ..... (1,891,000)
Maintenance and Fixed Charges ..... (7,294,000)

The unexpended balances at the end of the preceding fiscal year in the accounts hereinabove are appropriated for Maintenance and Operations, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Maintenance and Operations, such additional sums as may be required are appropriated for winter operations, including snow removal costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for the Department of Transportation from the General Fund, $12,500,000 thereof shall be paid from funds received from the various transportation-oriented authorities pursuant to contracts between the authorities and the State as are determined to be eligible for such funding pursuant to such contracts, as shall be determined by the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from the Logo Sign Program fees and the Tourist Oriented Directional Signs Program fees are appropriated for the purpose of administering the programs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from highway application and permit fees pursuant to subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) are appropriated for the purpose of administering the Access Permit Review program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Maintenance and Operations, $9,000,000 for winter operations, including snow removal costs, is appropriated from the receipts of the New Tire Surcharge pursuant to P.L.2004, c.46 (C.54:32F-1 et seq.).

In addition to the amount hereinabove appropriated for Maintenance and Operations, there is appropriated $5,150,000 from the New Jersey Motor Vehicle Commission for Maintenance and Fixed Charges, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 12 of P.L.1962, c.73 (C.12:7-34.47) or any law or regulation to the contrary, of the amount hereinabove appropriated for Maintenance and Operations, $2,200,000 is payable from the revenue from the fee increase pursuant to the amendatory provisions of section 12 of P.L.2002, c.34 (C.12:7-34.47) deposited into the "Maritime Industry Fund."

Revenue from fees or other payments made for the placement of sponsorship acknowledgment and advertising on signs, equipment, materials, and vehicles used for a safety service patrol or emergency service patrol program pursuant to section 5 of P.L.1966, c.301 (C.27:1A-5), are appropriated to the Department of Transportation for transportation purposes, including contract incentives for heavy duty towing contracts that support the clearance of traffic incidents. Use of the funds is subject to any federal requirements. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, amounts collected from fees for sponsorship programs pursuant to P.L.2013, c.130 (C.27:7-44.18 et seq.) are appropriated to the Department of Transportation for highway purposes, subject to the approval of the Director of the Division of Budget and Accounting; provided, however, that sponsorship acknowledgement and the use of such funds shall be subject to applicable requirements promulgated by the Federal Highway Administration. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

Notwithstanding the provisions of section 3 of P.L.2013 c.86 (C.39:4-88.2) or any other law or regulation to the contrary, amounts collected from the surcharge imposed on each person found guilty of a violation of R.S.39:4-82 or R.S.39:4-88 in excess of the amount determined by the Commissioner of Transportation to be necessary to acquire, install, and maintain highway signs that notify motorists entering New Jersey to comply with the provisions of R.S.39:4-82 and R.S.39:4-88 are appropriated for graffiti removal activities, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose.

CAPITAL CONSTRUCTION

60-6200 Trust Fund Authority - Revenues and other funds available for new projects $1,260,043,000
71-6200 Transportation Systems Improvements 4,000,000
Total Capital Construction Appropriation, State and Local Highway Facilities..... $1,264,043,000

Capital Projects:

60 Transportation Trust Fund - Subaccount for Debt Service for Prior Bonds.....($1,062,984,000)
60 Transportation Trust Fund - Subaccount for Debt Service for Transportation Program Bonds..... (197,059,000)
71 Supplementary County Highway Aid ..... (4,000,000)

The amount hereinabove appropriated for the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds and for the Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds shall be provided from revenues from (i) motor fuel taxes, which are hereby appropriated

for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution; (ii) $215,000,000 from the petroleum products gross receipts tax, which is hereby appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution; and (iii) $517,043,000 from the sales and use tax which is hereby appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution.

In addition, the amount hereinabove appropriated for the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds may also be provided from (i) $12,000,000 of funds from the various transportation-oriented authorities pursuant to contracts between such transportation-oriented authorities and the State; and (ii) such additional amounts pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) as may be necessary and are hereby appropriated to satisfy all current fiscal year debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority relating to the Prior Bonds.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that some of the amounts hereinabove appropriated are not required to pay amounts due under the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Prior Bonds as the result of the receipt of federal subsidies for debt service on the Prior Bonds, or other obligations issued by the New Jersey Transportation Trust Fund Authority in connection with the Prior Bonds the amount hereinabove appropriated from the sales and use tax revenues in clause (iii) of the first paragraph above shall be reduced by such corresponding amount.

Notwithstanding the provisions of any law or regulation to the contrary, in the event that some of the amounts hereinabove appropriated are not required to pay amounts due under the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Prior Bonds or the State contract between the State Treasurer and the New Jersey Transportation Trust Fund Authority for the Transportation Program Bonds as the result of refundings, restructurings, lowered interest rates, or any other action which reduces the amounts required to make the payments under such State contracts, the amount hereinabove appropriated from the sales and use tax revenues in clause (iii) of the first paragraph above for the Transportation Program Bonds or the Prior Bonds shall be reduced by such corresponding amounts.

Notwithstanding the provisions of any law or regulation to the contrary, from amounts hereinabove appropriated the Department of Transportation may expend necessary amounts for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Receipts representing the State share from the rental or lease of property, and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for maintenance or improvement of transportation property, equipment, and facilities.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Transportation may transfer Transportation Trust Fund monies to

Planning and Research, State	Various	(1,000,000)
Program Implementation Costs, NJDOT	Various	(95,000,000)
Project Development: Concept Development and Preliminary Engineering	Various	(5,000,000)
Project Enhancements	Various	(100,000)
Rail-Highway Grade Crossing Program, State	Various	(4,600,000)
Regional Action Program	Various	(500,000)
Resurfacing Program	Various	(80,000,000)
Resurfacing, Federal	Various	(20,008,000)
Right of Way Database/Document Management System	Various	(200,000)
Right of Way Full-Service Consultant Term Agreements	Various	(50,000)
Safe Streets to Transit Program	Various	(1,000,000)
Salt Storage Facilities - Statewide	Various	(4,500,000)
Sign Structure Inspection Program	Various	(1,000,000)
Signs Program, Statewide	Various	(1,500,000)
SJTPO, Future Projects	Various	(7,500,000)
South Inlet Transportation Improvement Project	Atlantic	(1,504,000)
State Police Enforcement and Safety Services	Various	(3,500,000)
Title VI and Nondiscrimination Supporting Activities	Various	(150,000)
Traffic Monitoring Systems	Various	(1,000,000)
Traffic Signal Replacement	Various	(9,111,000)
Transit Village Program	Various	(1,000,000)
Trenton Amtrak Bridges	Mercer	(2,800,000)
Unanticipated Design, Right of Way and Construction Expenses, State	Various	(32,914,000)
Underground Exploration for Utility Facilities	Various	(200,000)
University Transportation Research Technology	Various	(500,000)
Utility Reconnaissance and Relocation	Various	(3,000,000)
Route 1, CR 531 to Smith Street	Middlesex	(4,300,000)
Route 23, Bridge over Branch of Wallkill River	Sussex	(28,000)
Route 38, Route 295 to Route 206	Burlington	(10,800,000)
Route 40, Corso Lane to Babcock Road	Atlantic	(6,200,000)
Route 45, CR 653 to CR 616	Salem	(3,100,000)
Route 46, Fox Hill Road to Columbus Way	Morris	(2,555,000)
Route 47, CR 690 to Howard Street	Cumberland, Gloucester	(5,200,000)
Route 202, CR 637 to Road to Route 287	Somerset	(6,000,000)
Route 322, Corridor Congestion Relief Project	Gloucester	(1,500,000)
Route 322, Kings Highway (CR 551)	Gloucester	(300,000)
Route 495, Route 1&9/Paterson Plank Road Bridge, Advance ITS	Hudson	(2,847,000)

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of $470,500,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified as follows:

New Jersey Transit Corporation

Description	County	Amount
ADA-Platforms/Stations	Various	($910,000)
Bridge and Tunnel Rehabilitation	Various	(25,152,000)
Building Capital Leases	Various	(5,700,000)
Bus Acquisition Program	Various	(56,355,000)
Bus Passenger Facilities/Park and Ride	Various	(800,000)
Bus Support Facilities and Equipment	Various	(8,427,000)
Bus Vehicle and Facility Maintenance/ Capital Maintenance	Various	(800,000)
Capital Program Implementation	Various	(21,469,000)
Claims Support	Various	(2,000,000)
Environmental Compliance	Various	(3,000,000)
Hudson-Bergen LRT System	Hudson	(7,005,000)
Immediate Action Program	Various	(10,433,000)
Lackawanna Cutoff MOS Project	Morris, Sussex, Warren	(3,889,000)
Light Rail Infrastructure Improvements	Various	(7,025,000)
Locomotive Overhaul	Various	(33,883,000)
Miscellaneous	Various	(500,000)
NEC Improvements	Various	(56,021,000)
NEC Portal Bridge	Hudson	(6,000,000)
Other Rail Station/Terminal Improvements	Various	(24,708,000)
Physical Plant	Various	(1,668,000)
Private Carrier Equipment Program	Various	(3,000,000)
Rail Fleet Overhaul	Various	(16,383,000)
Rail Rolling Stock Procurement	Various	(13,422,000)
Rail Support Facilities and Equipment	Various	(14,193,000)
River LINE LRT	Camden, Burlington, Mercer	(51,809,000)
Section 5310 Program	Various	(1,000,000)
Security Improvements	Various	(2,607,000)
Signals and Communications/Electric Traction Systems	Various	(55,817,000)
Small/Special Services Program	Various	(1,371,000)
Study and Development	Various	(4,800,000)

New Jersey State Library

Technology Improvements	Various	(6,599,000)
Track Program	Various	(17,999,000)
Transit Rail Initiatives	Various	(5,755,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the revenues and other monies of the New Jersey Transportation Trust Fund Authority for the Department of Transportation and the New Jersey Transit Corporation, respectively, for salary and overhead costs of employees of the Department of Transportation and the New Jersey Transit Corporation, respectively, associated with the construction of capital projects by the Department of Transportation and the New Jersey Transit Corporation, respectively, shall not be subject to any percentage limitation.

The unexpended balances at the end of the preceding fiscal year of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21) or any law or regulation to the contrary, approval by the Joint Budget Oversight Committee of transfers among appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Federal funds received in conjunction with the Route 52 Causeway Replacement Contract A Construction Fund are hereby appropriated to the New Jersey Transportation Trust Fund Authority to pay debt service and other costs related to the Grant Anticipation Revenue Vehicles (GARVEE).

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated to the Department of Transportation, such amounts as shall be approved by the Director of the Division of Budget and Accounting, from the revenues and other funds of the New Jersey Transportation Trust Fund Authority received in connection with the issuance of the Authority's Grant Anticipation Revenue Vehicles (GARVEE) Bonds for the capital projects listed. Federal funds received in conjunction with the capital projects funded through the issuance of these GARVEE Bonds are appropriated to the authority to pay debt service and other costs related to the GARVEE Bonds.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the sale or conveyance of any lands held by the Department of Transportation are appropriated for the acquisition of land for highway projects or to refund the Federal Highway Administration (FHWA) where required by federal law. Receipts from the sale of all fill material held by the Department of Transportation are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities, and construction of new facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the Port Authority of New York and New Jersey pursuant to a contract with the State for transportation system improvements are appropriated to the Department of Transportation for such improvements.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Transportation, upon approval of the Director of the Division of Budget and Accounting, may transfer New Jersey Transportation Trust Fund Authority monies to the Pulaski Skyway, Route 7/Wittpenn Bridge, and New Road projects which are to be funded by the Port Authority of New York and New Jersey pursuant to an agreement between the Port Authority of New York and New Jersey and the Commissioner of Transportation dated July 29, 2011, until such time as funding from the Port Authority of New York and New Jersey is paid to the State pursuant to such agreement. Subject to the receipt of those funds, the New Jersey Transportation Trust Fund Authority shall be reimbursed for all monies transferred to advance these projects. In the event that all of such transfers are not reimbursed by the Port Authority of New York and New Jersey pursuant to the agreement, an amount equivalent to such unreimbursed monies are hereby appropriated from the New Jersey Transportation Trust Fund Authority to such projects and such amounts shall constitute line item appropriations approved by the Legislature.

Notwithstanding the provisions of section 6 of P.L.2006, c.3 (C.27:1B-22.2) or any law or regulation to the contrary, in recognition of the extensive destruction and damage to the State's roads, highways, bridges, and other critical transportation infrastructure during recent years inflicted by a series of federally declared disaster events, including but not limited to Hurricane Irene and Superstorm Sandy, of the amount hereinabove appropriated from the New Jersey Transportation Trust Fund Authority, an amount not to exceed $135,000,000 may be used for permitted maintenance, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the New Jersey Freight Rail Assistance Program in FY 2015 shall fund eligible project applications where the sponsor received funding for a related phase or portion of rail construction in any prior fiscal year before funding new projects that have not received prior funding under the program.

The amount appropriated hereinabove for Supplementary County Highway Aid shall be allocated in order that each county allocation from Supplementary County Highway Aid and from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the county aid program shall not be less than the aid received by each county in FY 2013 under the county aid program provided however, in the event that the amount appropriated for Supplementary County Highway Aid is insufficient for this purpose the aid that would have been received for each county pursuant to this provision shall be proportionately reduced.

60 Transportation Programs
62 Public Transportation
GRANTS-IN-AID

04-6050 Railroad and Bus Operations..... $2,018,716,000

Subtotal Grants-in-Aid Appropriation, Public Transportation $2,018,716,000

Less:

Farebox Revenue **$928,650,000**

Other Commercial Revenue **113,700,000**

Other Reimbursements **936,082,000**

Total Income Deductions **$1,978,432,000**

Total Grants-in-Aid Appropriation, Public Transportation $40,284,000

Grants-in-Aid:

Personal Services:

Salaries and Wages ..... ($1,172,200,000)

Materials and Supplies ..... (364,400,000)

Services Other Than Personal ..... (133,000,000)

Special Purpose:

04 Purchased Transportation ..... (225,400,000)

04 Insurance and Claims ..... (31,500,000)

04 Tolls, Taxes, and Other Operating Expenses ..... (92,216,000)

Less:

Income Deductions **1,978,432,000**

Notwithstanding the provision of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for New Jersey Transit Corporation, there are appropriated such sums as are received from the New Jersey Turnpike Authority, pursuant to a contract between the Authority and the State for such transportation purposes.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for New Jersey Transit Corporation from the General Fund, an amount not to exceed $29,000,000 thereof shall be paid from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State for transportation purposes.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for New Jersey Transit Corporation, there is appropriated $32,889,000 from the Clean Energy Fund for utility costs associated with New Jersey Transit Corporation operations.

STATE AID

04-6050 Railroad and Bus Operations $18,264,000

(From Casino Revenue Fund ..... $18,264,000)

Total State Aid Appropriation, Public Transportation $18,264,000

(From Casino Revenue Fund ..... $18,264,000)

State Aid:

04 Transportation Assistance for Senior Citizens and Disabled Residents (CRF) ..... ($18,264,000)

Counties which provide para-transit services for sheltered workshop clients may seek reimbursement for such services pursuant to P.L.1987, c.455 (C.34:16-51 et seq.).

CAPITAL CONSTRUCTION

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Transportation, upon approval of the Director of the Division of Budget and Accounting, may transfer funds made available from the New Jersey Transportation Trust Fund Authority for public transportation projects under the program headings "New Jersey Transit Corporation" to the line-item under that same program heading entitled "Federal Transit Administration Projects" for any federally funded public transportation project shown in this act or any previous appropriation acts until such time as federal funds become available for the projects. Subject to the receipt of federal funds, the New Jersey Transportation Trust Fund shall be reimbursed for all the monies that were transferred to advance Federal Transit Administration projects. Any transfer of funds which returns funds from the line-item "Federal Transit Administration Projects" to the account of origin shall be deemed approved.

From the amounts appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the current fiscal year transportation capital program, the Commissioner of Transportation may allocate $4,000,000 of the amount listed for the Private Carrier Equipment Program to New Jersey Transit Corporation's Private Carrier Capital Improvement Program (PCCIP). The amount provided herein shall be allocated to the private motorbus carriers consistent with the formula used to administer the PCCIP and shall be restricted to those carriers that currently qualify for participation in the PCCIP. These funds may be used for the procurement of any goods or services currently approved under New Jersey Transit Corporation's PCCIP, as well as: facility improvements, vehicle procurement, and capital maintenance that comports with subsection r. of section 3 of P.L.1984, c.73 (C.27:1B-3). Such maintenance and equipment procurements shall apply to vehicles owned by the private motorbus carriers and used in public transportation service, as well as to New Jersey Transit Corporation owned vehicles. Private motorbus carriers receiving an allocation of such funds shall be required to submit to the New Jersey Transit Corporation a full accounting for all expenditures, demonstrating that the funds were used to increase or maintain the current level of public transportation service provided by the carrier or to improve revenue vehicle maintenance. Under no circumstances shall these funds be used to provide compensation of any officer or owner of a private motorbus carrier.

60 Transportation Programs
64 Regulation and General Management
DIRECT STATE SERVICES

05-6070	Multimodal Services	$902,000
99-6000	Administration and Support Services	744,000

Total Direct State Services Appropriation, Regulation and General Management $1,646,000

Direct State Services:

Materials and Supplies ..... ($147,000)
Services Other Than Personal ..... (616,000)
Maintenance and Fixed Charges ..... (70,000)
Special Purpose:
05 Office of Maritime Resources ..... (248,000)
05 Airport Safety Administration ..... (565,000)

Receipts in excess of the amount anticipated derived from outdoor advertising application and permit fees are appropriated for the purpose of administering the Outdoor Advertising Permit and Regulation Program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Airport Safety Administration is payable out of the Airport Safety Fund established pursuant to section 4 of P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts from fees on placarded rail freight cars transporting hazardous materials in this State are appropriated to defray the expenses of the Placarded Rail Freight Car Transporting Hazardous Materials Program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

The unexpended balance at the end of the preceding fiscal year in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated for the same purpose.

Department of Transportation, Total State Appropriation $1,367,779,000

Summary of Department of Transportation Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $45,188,000
Grants-in-Aid 40,284,000
State Aid 18,264,000
Capital Construction 1,264,043,000
Appropriations by Fund:
General Fund $1,349,515,000
Casino Revenue Fund 18,264,000

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82 DEPARTMENT OF THE TREASURY
30 Educational, Cultural, and Intellectual Development
36 Higher Educational Services
GRANTS-IN-AID

47-2155 Support to Independent Institutions $2,237,000
49-2155 Miscellaneous Higher Education Programs 98,571,000
Total Grants-in-Aid Appropriation, Higher Educational Services $100,808,000

Grants-in-Aid:

47 Aid to Independent Colleges and Universities .....($1,000,000)
47 Clinical Legal Programs for the Poor - Seton Hall University .....(200,000)
47 Research Under Contract with the Institute of Medical Research, Camden .....(1,037,000)
49 Higher Education Capital Improvement Program - Debt Service .....(50,214,000)
49 Equipment Leasing Fund - Debt Service .....(16,574,000)
49 Higher Education Facilities Trust Fund - Debt Service .....(21,822,000)
49 Higher Education Technology Bond - Debt Service .....(3,736,000)
49 Dormitory Safety Trust Fund - Debt Service .....(6,225,000)

The amounts hereinabove appropriated for Research Under Contract with the Institute of Medical Research, Camden (Coriell Institute) shall be expended on support for research activities, and the Institute shall submit an annual audited financial statement to the Department of the Treasury which shall include a schedule showing the use of these funds.

The amount hereinabove appropriated for Aid to Independent Colleges and Universities shall be allocated to eligible institutions in accordance with the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), provided that the number of full-time equivalent students (FTE) at the seven State Colleges shall be 60,096 for fiscal year 2014.

STATE AID

48-2155 Aid to County Colleges $222,704,000
(From General Fund ..... $18,800,000)
(From Property Tax Relief Fund ..... 203,904,000)
Total State Aid Appropriation, Higher Educational Services ... $222,704,000
(From General Fund ..... $18,800,000)
(From Property Tax Relief Fund ..... 203,904,000)

Less:
Supplemental Workforce Fund - Basic Skills $18,800,000
Total Income Deductions $18,800,000
Total State Appropriation, Higher Educational Services $203,904,000

(From Property Tax Relief Fund..... 203,904,000)

State Aid:

48 Operational Costs..... ($18,800,000)
48 Operational Costs (PTRF)..... (115,323,000)
48 Debt Service for Chapter 12, P.L.1971, c.12 (N.J.S.18A:64A-22.1) (PTRF)..... (40,051,000)
48 Alternate Benefit Program - Employer Contributions (PTRF)..... (20,789,000)
48 Alternate Benefit Program - Non-contributory Insurance (PTRF)..... (2,937,000)
48 Teachers' Pension and Annuity Fund - Non-contributory Insurance (PTRF)..... (7,000)
48 Employer Contributions - Teachers' Pension and Annuity Fund (PTRF)..... (57,000)
48 Teachers' Pension and Annuity Fund - Post Retirement Medical (PTRF)..... (1,311,000)
48 Post Retirement Medical Other Than TPAF (PTRF)..... (23,034,000)
48 Affordable Care Act Fees (PTRF)..... (53,000)
48 Employer Contributions - FICA for County College Members of TPAF (PTRF)..... (165,000)
48 Debt Service on Pension Obligation Bonds (PTRF)... (177,000)

Less:

Income Deductions..... 18,800,000

In addition to the amount hereinabove appropriated for Operational Costs, there is appropriated $18,800,000 from the Supplemental Workforce Fund for Basic Skills for remedial courses provided at county colleges and all other monies in the Supplemental Workforce Fund for Basic Skills are appropriated in the proportions set forth in section 1 of P.L.2001, c.152 (C.34:15D-21).

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts hereinabove appropriated for county college Operational Costs, there are allocated such sums as are required to provide the reimbursement to cover tuition costs of the National Guard members pursuant to subsection b. of section 21 of P.L.1999, c.46 (C.18A:62-24).

Such additional sums as may be required for Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical, Post Retirement Medical Other Than TPAF, Affordable Care Act Fees and Employer Contributions - FICA for County College Members of TPAF are appropriated, as the Director of the Division of Budget and Accounting shall determine.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropri-

ated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Such sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.

Higher Educational Services

Of the amount hereinabove appropriated for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

50 Economic Planning, Development, and Security
51 Economic Planning and Development
GRANTS-IN-AID

38-2043 Economic Development $22,712,000
Total Grants-in-Aid Appropriation, Economic Planning and Development..... $22,712,000

Grants-in-Aid:

38 Fort Monmouth Economic Revitalization Authority .....($246,000)
38 Economic Redevelopment and Growth Grants, EDA.....(14,266,000)
38 Brownfield Site Reimbursement Fund.....(8,200,000)

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution, shall be appropriated to the Brownfield Site Reimbursement Fund, established pursuant to section 38 of P.L.1997, c.278 (C.58:10B-30), in an amount to be determined by the Director of the Division of Taxation, and subject to the approval of the Director of the Division of Budget and Accounting. If such amounts for the remediation of discharges of hazardous substances are insufficient, there are appropriated such amounts as necessary to the Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in the Brownfield Site Reimbursement Fund account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Fort Monmouth Economic Revitalization Authority, there is appropriated such additional amounts as are necessary to secure federal matching funds for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Economic Redevelopment and Growth Grants, EDA, there are appropriated such amounts as may be

necessary to fund the Economic Redevelopment and Growth Grant program, pursuant to the "New Jersey Economic Stimulus Act of 2009," P.L.2009, c.90 (C.52:27D-489a et seq.), subject to the approval of the Director of the Division of Budget and Accounting. Due to the uncertain timing of grant requests, the unexpended balance at the end of the preceding fiscal year in the Economic Redevelopment and Growth Grants, EDA account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

52 Economic Regulation

DIRECT STATE SERVICES

54-2008	Utility Regulation	$8,259,000
55-2004	Regulation of Cable Television	2,253,000
88-2058	Energy Assistance Programs	1,865,000
97-2016	Regulatory Support Services	4,513,000
99-2003	Administration and Support Services	10,177,000
	Total Direct State Services Appropriation, Program Classification	$27,067,000

Direct State Services:

Personal Services:	
Salaries and Wages	($25,223,000)
Materials and Supplies	(329,000)
Services Other Than Personal	(984,000)
Maintenance and Fixed Charges	(398,000)
Special Purpose:	
Additions, Improvements and Equipment	(133,000)

Receipts from fees are appropriated for the administrative costs of the Board of Public Utilities.

The unexpended balances at the end of the preceding fiscal year in the programs administered by the Board of Public Utilities are appropriated for use by those respective programs, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from interest earned by the Petroleum Overcharge Reimbursement Fund such sums as may be required for costs attributable to the administration of the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the balances from the Petroleum Overcharge Reimbursement Fund and the Secondary Stage Refunds and the monies required to be deposited in that fund from projects which have been completed or are no longer viable are reappropriated for new projects consistent with the court rulings which served as the basis for the original awards, subject to the approval of the Director of the Division of Budget and Accounting and the Director of the Office of Energy Savings.

The amounts hereinabove appropriated, not to exceed $1,865,000, for the Energy Assistance Programs account may be transferred to the Department of Human

Services, Lifeline Programs account to fund the costs associated with administering the Lifeline Credits Program and Tenants' Assistance Rebate Program and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the investment earnings derived from the funds deposited in the Clean Energy Fund and Universal Service Fund shall accrue to the funds and are available to pay the costs of the various programs of the Board of Public Utilities Clean Energy Program and Universal Service Fund.

Notwithstanding the provisions of paragraph (3) of subsection a. of section 12 of the "Electric Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-60) and any other laws to the contrary, receipts from the Clean Energy Fund are appropriated for the actual administrative salary and operating costs for the Office of Clean Energy as requested by the President of the Board of Public Utilities and approved by the Director of the Division of Budget and Accounting.

All revenue received in the CATV Universal Access Fund is appropriated for transfer to the General Fund as State revenue.

GRANTS-IN-AID

88-2058 Energy Assistance Programs $63,840,000

Total Grants-in-Aid Appropriation, Economic Regulation $63,840,000

Grants-in-Aid:

88 Payments for Lifeline Credits .....($29,199,000)

88 Tenants' Assistance Rebate Program.....(34,641,000)

Notwithstanding the provisions of P.L.1979, c.197 (C.48:2-29.15 et seq.), P.L.1981, c.210 (C.48:2-29.30 et seq.), or any law or regulation to the contrary, the benefits of the Lifeline Credits Program and the Tenants' Assistance Rebate Program may be distributed throughout the entire year from July through June, and are not limited to an October to March heating season; therefore, applications for Lifeline benefits and benefits from the Pharmaceutical Assistance to the Aged and Disabled program may be combined.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for the Lifeline Credits and Tenants' Assistance Rebate Program are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Lifeline claims, amounts may be transferred from the various items of appropriation within the Energy Assistance Programs classification, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated, such sums as may be required for the payment of claims, credits, and rebates, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Any supplemental appropriation for the Payments for Lifeline Credits and the Tenants' Assistance Rebate Program may be recovered from the Universal Service Fund through transfer to the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated, not to exceed $63,840,000, for Payments for the Lifeline Credits and the Tenants' Assistance Rebate Program are available to the Department of Human Services to fund the payments associated with the Lifeline Credits and Tenants' Assistance programs and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management, and Control
72 Governmental Review and Oversight
DIRECT STATE SERVICES

03-2015	Employee Relations and Collective Negotiations	$853,000
07-2040	Office of Management and Budget	15,021,000
	Total Direct State Services Appropriation, Governmental Review and Oversight	$15,874,000

Direct State Services:

Personal Services:	
Salaries and Wages	($11,969,000)
Materials and Supplies	(125,000)
Services Other Than Personal	(2,504,000)
Maintenance and Fixed Charges	(7,000)
Special Purpose:	
07 Independent Audits	(1,269,000)

Such amounts as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such amounts as may be received or are receivable for this purpose.

In addition to the amounts hereinabove appropriated for the Office of Management and Budget, there are appropriated such additional amounts as may be necessary for an independent audit of the State's general fixed asset account group, management, performance, and operational audits, and the single audit.

There are appropriated, from receipts from the investment of State funds, such amounts as may be necessary for interest costs, bank service charges, custodial costs, mortgage servicing fees, and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

2066 Office of the State Comptroller
DIRECT STATE SERVICES

08-2066 Office of the State Comptroller $9,854,000
Total Direct State Services Appropriation, Office of the State Comptroller $9,854,000

Direct State Services:

Personal Services:
Salaries and Wages .....($8,904,000)
Materials and Supplies.....(55,000)
Services Other Than Personal.....(750,000)
Maintenance and Fixed Charges.....(45,000)
Additions, Improvements and Equipment .....(100,000)

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste and abuse, are appropriated to General Medical Services in the Division of Medical Assistance and Health Services in the Department of Human Services.

73 Financial Administration

DIRECT STATE SERVICES

15-2080 Taxation Services and Administration $108,081,000
16-2090 Administration of State Lottery..... 13,325,000
17-2105 Administration of State Revenues 23,532,000
19-2120 Management of State Investments..... 1,787,000
25-2095 Administration of Casino Gambling..... 8,205,000
(From Casino Control Fund ..... $8,205,000)
Total Direct State Services Appropriation, Financial Administration..... $154,930,000
(From General Fund..... $146,725,000)
(From Casino Control Fund ..... 8,205,000)

Direct State Services:

Personal Services:
Chairman and Commissioners (CCF) .....($391,000)
Salaries and Wages .....(113,376,000)
Salaries and Wages (CCF) .....(3,644,000)
Employee Benefits (CCF).....(1,983,000)
(From General Fund..... $113,376,000)
(From Casino Control Fund ..... 6,018,000)
Materials and Supplies.....(3,066,000)
Materials and Supplies (CCF) .....(84,000)
Services Other Than Personal.....(27,062,000)
Services Other Than Personal (CCF).....(522,000)
Maintenance and Fixed Charges.....(2,021,000)
Maintenance and Fixed Charges (CCF).....(1,466,000)
Special Purpose:

17 Wage Reporting/Temporary Disability Insurance ..... (1,200,000)
25 Administration of Casino Gambling (CCF) ..... (16,000)
Additions, Improvements and Equipment (CCF) ..... (99,000)

74 General Government Services
DIRECT STATE SERVICES

02-2069 Garden State Preservation Trust $476,000
09-2050 Purchasing and Inventory Management 10,387,000
26-2067 Property Management and Construction - Property Management Services 19,981,000
37-2051 Risk Management 3,716,000
Total Direct State Services Appropriation, General Government Services $34,560,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($22,707,000)
Materials and Supplies ..... (604,000)
Services Other Than Personal ..... (4,670,000)
Maintenance and Fixed Charges ..... (6,023,000)
Special Purpose:
02 Garden State Preservation Trust ..... (476,000)
Additions, Improvements and Equipment ..... (80,000)

Fees collected pursuant to P.L.1975, c.127 (C.10:5-31 et seq.), are appropriated to the Division of Purchase and Property for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated to the Division of Purchase and Property, there is appropriated to the Division of Purchase and Property, an amount equal to 50% of the amount of the total rebates on procurement card purchases for costs of the Division, subject to the approval of the Director of the Division of Budget and Accounting. In addition, an amount equal to the remaining 50% of total rebates on procurement card purchases is appropriated for transfer to the various using departments and agencies for their costs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated, out of the receipts from third party subrogation and service fees billed to authorities for the handling of insurance procurement and risk management services, such amounts as may be necessary for the administrative expenses of the Risk Management program.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs to the Print Shop and the Office of Printing Control.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Property Management and Construction program classification, from appropriations for construction and improvements an amount sufficient to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

In addition to the amount hereinabove appropriated for Property Management and Construction, there are appropriated such additional amounts as may be required for the costs incurred in order to preserve and maintain the value and condition of State real property that has been declared surplus and for costs incurred in the selling of the real property, including appraisal, survey, advertising, maintenance, security and other costs related to the preservation and disposal, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from receipts from the pre-qualification service fees billed to contractors, architects, engineers, and professionals sufficient amounts for expenses related to the administration of pre-qualification activities undertaken by the Division of Property Management and Construction.

In addition to the amount hereinabove appropriated for Property Management and Construction - Property Management Services, there is appropriated to the Property Management and Construction - Property Management Services account, $519,000 from the New Jersey Motor Vehicle Commission for preventative maintenance costs.

Receipts from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that an amount not to exceed $100,000 shall be available for the administrative expenses of the program.

Receipts from the leasing of Department of Environmental Protection real properties are appropriated for the costs incurred for maintenance, repairs and utilities on the properties.

There are appropriated such additional amounts as may be necessary for the purchase of expert witness services related to the State's defense against inverse condemnation claims related to the Department of Environmental Protection's Land Use Regulation program.

Receipts from employee maintenance charges in excess of $300,000 are appropriated for maintenance of employee housing and associated relocation costs; provided, however, that an amount not to exceed $25,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of receipts from lease proceeds billed to the occupants of the James J. Howard Marine Sciences Laboratory, such amounts as may be required to operate and maintain the facility and for the payment of interest or principal due from the issuance of bonds for this facility.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed $476,000 is transferred from the Garden State Farmland Preserva-

tion Trust Fund, the Garden State Green Acres Preservation Trust Fund and the Garden State Historic Preservation Trust Fund to the General Fund in an allocation to be determined by the Garden State Preservation Trust and approved by the Director of the Division of Budget and Accounting and such amount is appropriated to the Garden State Preservation Trust.

Notwithstanding the provisions of any law or regulation to the contrary, administrative expenses for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits are appropriated from the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be, subject to the approval of the Director of the Division of Budget and Accounting. Administrative costs shall include bank service charges, investment services, and any other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine.

2026 Office of Administrative Law

DIRECT STATE SERVICES

45-2026 Adjudication of Administrative Appeals	$8,513,000
(From General Fund	*$3,666,000)*
(From All Other Funds	*4,847,000)*
Total Direct State Services Appropriation, Office of Administrative Law	$8,513,000
(From General Fund	*$3,666,000)*
(From All Other Funds	*4,847,000)*
Less:	
All Other Funds	**$4,847,000**
Total Deductions	**$4,847,000**
Total State Appropriation, Office of Administrative Law	$3,666,000

Direct State Services:

Personal Services:	
Salaries and Wages	($7,478,000)
Materials and Supplies	(68,000)
Services Other Than Personal	(870,000)
Maintenance and Fixed Charges	(88,000)
Special Purpose:	
Additions, Improvements and Equipment	(9,000)
Less:	
All Other Funds	**4,847,000**

In addition to the amount hereinabove appropriated for the Office of Administrative Law, such sums as may be received or receivable from any department or non-State fund source for administrative hearing costs or rulemaking costs by the Office of Administrative Law and the unexpended balance at the end of the preceding fiscal year of such sums are appropriated for the Office's administrative

costs, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

Receipts from annual license fees, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the Office's administrative costs.

Receipts from royalties, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the Office's administrative costs.

Of the amounts appropriated to the New Jersey Motor Vehicle Commission, such appropriation is conditioned upon paying the non-State hourly rate charged by the Office of Administrative Law for hearing services, or an amount not less than $500,000.

Notwithstanding the provisions of section 4 of P.L.1978, c.67 (C.52:14F-4) to the contrary, including the reference therein to salaries of administrative law judges determined as a percentage of the annual salary of judges of Superior Court, there shall be no increase paid from appropriations made herein for annual salary increases for administrative law judges.

2034 Office of Information Technology
DIRECT STATE SERVICES

40-2034 Office of Information Technology	$136,086,000
65-2034 Emergency Telecommunication Services	13,272,000
Total Direct State Services Appropriation, Office of Information Technology	$149,358,000
Less:	
OIT - Other Resources	**$66,686,000**
Total Income Deductions	**$66,686,000**
Total State Appropriation, Office of Information Technology	$82,672,000

Direct State Services:

Personal Services:	
Salaries and Wages	($27,997,000)
Materials and Supplies	(207,000)
Services Other Than Personal	(23,628,000)
Maintenance and Fixed Charges	(31,000)
Special Purpose:	
40 Office of Information Technology	(66,686,000)
65 Statewide 911 Emergency Telecommunication System	(12,372,000)
65 Office of Emergency Telecommunication Services	(900,000)

Additions, Improvements and Equipment ..... (17,537,000)
Less:
Income Deductions.....66,686,000

In addition to the $66,686,000 attributable to OIT Other Resources, there are appropriated such amounts as may be received or receivable from any State agency, instrumentality or public authority for increases or changes in Office of Information Technology services, subject to the approval of the Director of the Division of Budget and Accounting.

As a condition to the appropriations made in this act, specifically with regard to the allocation of employees performing information technology infrastructure functions and the establishment of deputy chief technology officers and related staff as authorized in P.L.2007, c.56 (C.52:18A-219 et al.), the Office of Information Technology shall identify the specific Direct State Services appropriations and positions that should be transferred between various departments and the Office of Information Technology, subject to the approval of the Director of the Division of Budget and Accounting.

From amounts appropriated to various departments, such amounts as are necessary may be transferred to the Office of Information Technology for enterprise initiatives, subject to the establishment of a formal agreement between the Office of Information Technology and those departments to support enterprise projects, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in the Enterprise Initiatives account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Statewide 911 Emergency Telecommunication System, there are appropriated such additional sums as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such sums for Geographic Information System (GIS) Integration as may be received from federal, county, municipal governments or agencies and nonprofit organizations for orthoimagery and parcel data mapping.

75 State Subsidies and Financial Aid
GRANTS-IN-AID

33-2078 Homestead Exemptions $573,800,000
(From Property Tax Relief Fund..... $573,800,000)
Total Grants-in-Aid Appropriation, Program Classification $573,800,000
(From Property Tax Relief Fund..... $573,800,000)

Grants-in-Aid:
33 Homestead Benefit Program (PTRF) .....($374,200,000)
33 Senior and Disabled Citizens' Property Tax Freeze (PTRF) ..... (199,600,000)

The amount hereinabove appropriated for the Homestead Benefit Program shall be available to provide homestead benefits only to eligible homeowners pursuant to the provisions of section 3 of P.L.1990, c.61 (C.54:4-8.59) as amended by P.L.2004, c.40 and by P.L.2007, c.62, as may be amended from time to time except that, notwithstanding the provisions of such laws to the contrary: (i) residents who are 65 years of age or older at the close of the tax year, or residents who are allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with (a) gross income in excess of $150,000 for tax year 2012 are excluded from the program; (b) gross income in excess of $100,000 but not in excess of $150,000 for tax year 2012 are eligible for a benefit in the amount of 5% of the first $10,000 of property taxes paid, and (c) gross income not in excess of $100,000 for tax year 2012 are eligible for a benefit in the amount of 10% of the first $10,000 of property taxes paid; (ii) residents who are not 65 years of age or older at the close of the tax year, or residents who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with (a) gross income in excess of $75,000 for tax year 2012 are excluded from the program; (b) gross income in excess of $50,000 but not in excess of $75,000 for tax year 2012 are eligible for a benefit in the amount of 6.67% of the first $10,000 of property taxes paid; and (c) gross income not in excess of $50,000 for tax year 2012 are eligible for a benefit in the amount of 10% of the first $10,000 of property taxes paid. These benefits listed pursuant to this paragraph will be calculated based on the 2006 property tax amounts assessed or as would have been assessed on the October 1, 2012 principal residence of eligible applicants. The total homestead benefit provided to an eligible applicant in a given State fiscal year shall not exceed the homestead rebate amount paid to such eligible applicant for tax year 2006, absent a change in an applicant's filing characteristics. The homestead benefit shall be paid in May, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated such amounts as may be necessary for the administration of the program, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated such amounts as may be required for payments of homestead benefits that have been approved but not paid pursuant to the annual appropriations act for the fiscal year the claimant applied for such homestead benefit, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Homestead Benefit Program, there are appropriated from the Property Tax Relief Fund such amounts as may be required for payments of property tax credits to homeowners and tenants pursuant to the "Property Tax Deduction Act," P.L.1996, c.60 (C.54A:3A-15 et seq.).

Notwithstanding the provisions of P.L.1997, c.348 (C.54:4-8.67 et seq.), the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze,

and any additional amounts which may be required for this purpose, is appropriated from the Property Tax Relief Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze is subject to the following condition: eligibility for the property tax reimbursement program shall be determined pursuant to section 1 of P.L.1997, c.348 (C.54:4-8.67), except that any citizen with an annual income of more than $70,000 shall not be eligible to receive a property tax reimbursement benefit payment in the current fiscal year.

STATE AID

28-2078	County Boards of Taxation	$1,903,000
29-2078	Locally Provided Assistance	32,671,000
34-2078	Senior/Disabled Citizens' and Veterans' Property Tax Deductions	69,500,000
	(From Property Tax Relief Fund	*$69,500,000)*
35-2078	Police and Firemen's Retirement System	129,379,000
	(From Property Tax Relief Fund	*129,379,000)*
	Total State Aid Appropriation, State Subsidies and Financial Aid	$233,453,000
	(From General Fund	*$34,574,000)*
	(From Property Tax Relief Fund	*198,879,000)*

State Aid:

28	County Boards of Taxation	($1,903,000)
29	South Jersey Port Corporation Debt Service Reserve Fund	(19,419,000)
29	South Jersey Port Corporation Property Tax Reserve Fund	(5,101,000)
29	Highlands Protection Fund - Planning Grants	(2,182,000)
29	Highlands Protection Fund - Watershed Moratorium Offset Aid	(2,218,000)
29	Public Library Project Fund	(3,751,000)
34	Senior and Disabled Citizens' Property Tax Deductions (PTRF)	(13,200,000)
34	Veterans' Property Tax Deductions (PTRF)	(56,300,000)
35	Debt Service on Pension Obligation Bonds (PTRF)	(17,872,000)
35	Police and Firemen's Retirement System - Post Retirement Medical (PTRF)	(45,284,000)
35	Police and Firemen's Retirement System (PTRF)	(28,620,000)
35	Police and Firemen's Retirement System (P.L.1979, c.109) (PTRF)	(37,603,000)

There are appropriated such additional amounts as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the South Jersey Port Corporation Debt Service Reserve Fund under section 14 of P.L.1968, c.60 (C.12:11A-14) and the South Jersey Port Corporation Property Tax Reserve Fund under section 20 of P.L.1968, c.60 (C.12:11A-20), subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Highlands Protection Fund are payable from the receipts of the portion of the realty transfer fee directed to be credited to the Highlands Protection Fund and the unexpended balances at the end of the preceding fiscal year in the Highlands Protection Fund accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury may transfer funds as necessary between the Highlands Protection Fund - Incentive Planning Aid account and the Highlands Protection Fund - Planning Grants account, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Solid Waste Management - County Environmental Investment Aid is appropriated to subsidize county and county authority debt service payments for environmental investments incurred and other repayment obligations owed pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act," P.L.1970, c.40 (C.48:13A-1 et seq.) as determined by the State Treasurer based upon the need for such financial assistance after taking into account all financial resources available or attainable to pay such debt service and such other repayment obligations. Such additional sums as may be necessary shall be appropriated subject to the approval of the Director of the Division of Budget and Accounting and shall be provided upon such terms and conditions as the State Treasurer may determine. The unexpended balance at the end of the preceding fiscal year is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the amount apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the "Corporation Business Tax Act (1945)" shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

There is appropriated from the Energy Tax Receipts Property Tax Relief Fund the amount of $788,492,000 and an amount not to exceed $325,174,000 from Consolidated Municipal Property Tax Relief Aid is appropriated and shall be allocated to municipalities in accordance with the provisions of subsection b. of section 2 of P.L.1997, c.167 (C.52:27D-439), provided further, however, that from the amounts hereinabove appropriated, each municipality shall also receive such addi-

tional amounts from the Energy Tax Receipts Property Tax Relief Fund as provided in the previous fiscal year. Each municipality that receives an allocation from the amount so transferred from the Consolidated Municipal Property Tax Relief Aid program shall have its allocation from the Consolidated Municipal Property Tax Relief Aid program reduced by the same amount.

Notwithstanding the provisions of paragraph (1) of subsection c. of section 2 of P.L.1997, c.167 (C.52:27D-439) or any other law or regulation to the contrary, the amount hereinabove appropriated for Energy Tax Receipts Property Tax Relief Fund payments shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; December 1 for municipalities operating under a calendar fiscal year, 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the final 5% or $500, whichever is greater, of the total annual amount due for the current fiscal year from the Energy Tax Receipts Property Tax Relief Fund to municipalities is subject to the following condition: the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services and shall receive at least a minimum score on such inventory as determined by the Director of the Division of Local Government Services; provided, however, that the Director may take into account the particular circumstances of a municipality in computing such score. In preparing the Best Practices Inventory, the Director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the final 5% or $500, whichever is greater, of the total annual amount due for the current fiscal year, but in no event shall amounts be withheld with respect to municipal practices occurring prior to the issuance of the Best Practices Inventory unless related to a municipal practice identified in the Best Practices Inventory established in the previous fiscal year.

There is appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payments to counties pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.).

The unexpended balance at the end of the preceding fiscal year from the taxes collected pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the amount hereinabove appropriated by the difference, if any, between pension contribution savings, and the amount of Consolidated Municipal Property Tax Relief Aid payable to such municipality.

In addition to the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Deductions and Veterans' Property Tax Deductions, there are

appropriated from the Property Tax Relief Fund such additional amounts as may be required for State reimbursement to municipalities for senior and disabled citizens' and veterans' property tax deductions, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury, after notification to the Joint Budget Oversight Committee, may transfer funds as necessary between the Senior and Disabled Citizens' Property Tax Deductions account and the Veterans' Property Tax Deductions account, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Such additional amounts as may be required for Police and Firemen's Retirement System - Post Retirement Medical are appropriated, as the Director of the Division of Budget and Accounting shall determine.

76 Management and Administration

DIRECT STATE SERVICES

99-2000 Administration and Support Services	$11,228,000
Total Direct State Services Appropriation, Management and Administration	$11,228,000

Direct State Services:

Personal Services:	
Salaries and Wages	($9,190,000)
Materials and Supplies	(80,000)
Services Other Than Personal	(1,831,000)
Maintenance and Fixed Charges	(21,000)
Special Purpose:	
99 Federal Liaison Office, Washington, D.C.	(16,000)
Additions, Improvements and Equipment	(90,000)

There are appropriated such additional amounts as may be required to pay for the operating expenses of the Casino Revenue Fund Advisory Commission, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the investment earnings of general obligation bond proceeds such amounts as may be necessary for the payment of debt service administrative costs.

There is appropriated from revenue estimated to be received as a fee in connection with the issuance of debt an amount not to exceed $700,000 to provide funds for public finance activities.

There are appropriated from revenue to be received from investment earnings of State funds, from fees in connection with the cost of debt issuance and from service fees billed to State authorities, such amounts as may be required for public fi-

nance activities. The unexpended balance at the end of the preceding fiscal year from such investment earnings and service fees is appropriated to the Office of Public Finance.

Pursuant to the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.) deposits made to the "Drug Abuse Education Fund" and the unexpended balance at the end of the preceding fiscal year of such deposits are appropriated for collection or administration costs of the Department of the Treasury and for transfer to the Department of Education such amounts as are necessary for Project DARE (Drug Abuse Resistance Education) and the Steroid Use and Prevention Program, and to the Department of Human Services for substance abuse treatment and prevention programs, subject to the approval of the Director of the Division of Budget and Accounting.

An amount equivalent to the amount due to be paid in this fiscal year to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the States of New York and New Jersey and the Port Authority of New York and New Jersey is appropriated to the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12) for the purposes of P.L.1992, c.16 (C.34:1B-7.10 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such amounts as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay for the reimbursement of funeral expenses pursuant to P.L.2013, c.177 (C.52:18A-218.1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services
82 Protection of Citizens' Rights
DIRECT STATE SERVICES

06-2024	Appellate Services to Indigents	$11,040,000
57-2021	Trial Services to Indigents	67,026,000
58-2022	Mental Health Advocacy	4,195,000
61-2023	Dispute Settlement	556,000
66-2021	Office of Law Guardian	19,274,000
67-2021	Office of Parental Representation	16,038,000
99-2025	Administration and Support Services	2,513,000
	Total Direct State Services Appropriation, Protection of Citizens' Rights	$120,642,000

Direct State Services:
Personal Services:

Salaries and Wages .....($92,046,000)
Materials and Supplies.....(1,115,000)
Services Other Than Personal.....(25,486,000)
Maintenance and Fixed Charges.....(684,000)
Additions, Improvements and Equipment .....(1,311,000)

Amounts provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

In addition to the amount hereinabove appropriated for the operation of the Office of the Public Defender there are appropriated additional amounts as may be required for Trial and Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

Lawsuit settlements and legal costs awarded by any court to the Office of the Public Defender are appropriated for the expenses associated with the representation of indigent clients.

The amount hereinabove appropriated to the Office of the Public Defender is available for expenses associated with pool attorneys hired by the Office of the Public Defender for the representation of indigent clients.

Receipts in excess of the amount anticipated for the Dispute Settlement Office of the Office of the Public Defender are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

2048 State Legal Services Office

GRANTS-IN-AID

89-2048 Civil Legal Services for the Poor $14,900,000
Total Grants-in-Aid Appropriation, State Legal Services Office..... $14,900,000

Grants-in-Aid:

89 Legal Services of New Jersey - Legal Assistance in Civil Matters.....($14,900,000)

2096 Corrections Ombudsperson

DIRECT STATE SERVICES

51-2096 Corrections Ombudsperson $759,000
Total Direct State Services Appropriation, Corrections Ombudsperson..... $759,000

Direct State Services:

Personal Services:
Salaries and Wages .....($676,000)
Materials and Supplies.....(5,000)
Services Other Than Personal.....(70,000)
Maintenance and Fixed Charges.....(8,000)

2097 Division of Elder Advocacy
DIRECT STATE SERVICES

81-2097 Elder Advocacy $1,913,000
Total Direct State Services Appropriation, Division of Elder Advocacy $1,913,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($1,636,000)
Materials and Supplies ..... (23,000)
Services Other Than Personal ..... (180,000)
Maintenance and Fixed Charges ..... (53,000)
Additions, Improvements and Equipment ..... (21,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts collected from fines and penalties pursuant to subsection f. of section 2 of P.L.1983, c.43 (C.52:27G-7.1) and subsection b. of section 14 of P.L.1977, c.239 (C.52:27G-14) are appropriated to the Division of Elder Advocacy, subject to the approval of the Director of the Division of Budget and Accounting.

2098 Division of Rate Counsel
DIRECT STATE SERVICES

53-2098 Rate Counsel $6,952,000
Total Direct State Services Appropriation, Division of Rate Counsel $6,952,000

Direct State Services:
Personal Services:
Salaries and Wages ..... ($2,900,000)
Materials and Supplies ..... (48,000)
Services Other Than Personal ..... (3,500,000)
Maintenance and Fixed Charges ..... (500,000)
Additions, Improvements and Equipment ..... (4,000)

Receipts of the Division of Rate Counsel in excess of those anticipated are appropriated for the Division of Rate Counsel to defray the costs of the Division of Rate Counsel function.

The unexpended balances at the end of the preceding fiscal year in the Division of Rate Counsel accounts are appropriated for the same purpose.

Department of the Treasury, Total State Appropriation $1,683,534,000

Summary of Department of the Treasury Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $470,117,000
Grants-in-Aid 776,060,000
State Aid 437,357,000

Appropriations by Fund:
General Fund $698,746,000
Property Tax Relief Fund 976,583,000
Casino Control Fund 8,205,000

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90 MISCELLANEOUS COMMISSIONS
40 Community Development and Environmental Management
43 Science and Technical Programs
9130 Interstate Environmental Commission
DIRECT STATE SERVICES

03-9130 Interstate Environmental Commission $15,000
Total Direct State Services Appropriation, Interstate Environmental Commission $15,000

Direct State Services:
Special Purpose:
03 Expenses of the Commission ..... ($15,000)

9140 Delaware River Basin Commission
DIRECT STATE SERVICES

02-9140 Delaware River Basin Commission $693,000
Total Direct State Services Appropriation, Delaware River Basin Commission $693,000

Direct State Services:
Special Purpose:
02 Expenses of the Commission ..... ($693,000)

70 Government Direction, Management, and Control
72 Governmental Review and Oversight
9148 Council On Local Mandates
DIRECT STATE SERVICES

92-9148 Council On Local Mandates $68,000
Total Direct State Services Appropriation, Council On Local Mandates $68,000

Direct State Services:
Special Purpose:
92 Council On Local Mandates ..... ($68,000)
The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Miscellaneous Commissions, Total State Appropriation $776,000

Summary of Miscellaneous Commissions Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $776,000
Appropriations by Fund:
General Fund $776,000

94 INTERDEPARTMENTAL ACCOUNTS
70 Government Direction, Management, and Control
74 General Government Services
DIRECT STATE SERVICES

01-9400	Property Rentals	$242,125,000
02-9400	Insurance and Other Services	126,625,000
06-0400	Utilities and Other Services	12,153,000
	Subtotal Direct State Services Appropriation, General Government Services	$380,903,000
Less:		
	Direct Rent Charges and Charges for Operational Efficiencies	**$89,820,000**
	Total Deductions	**$89,820,000**
	Total Direct State Services Appropriation, General Government Services	$291,083,000

Direct State Services:

Property Rentals:

01	Existing and Anticipated Leases	($196,125,000)
01	Economic Development Authority	(7,762,000)
01	Other Debt Service Leases and Tax Payments	(38,238,000)
Less:		
	Total Deductions	**89,820,000**

Insurance and Other Services:

02	Tort Claims Liability Fund (C.59:12-1)	(15,000,000)
02	Workers' Compensation Self Insurance Fund	(92,000,000)
02	Property Insurance Premium Payments	(3,468,000)
02	Casualty Insurance Premium Payments	(595,000)
02	Special Insurance Policy Premium Payment	(437,000)
02	Medical Malpractice Self-Insurance Fund for Rutgers, Rowan, and University Hospital	(10,000,000)
02	Vehicle Claims Liability Fund	(3,500,000)
02	Self-Insurance Deductible Fund	(1,500,000)
02	Self-Insurance Fund - Foster Parents	(125,000)

Utilities and Other Services:
06 Public Health, Environmental and Agricultural Laboratory ..... (3,575,000)
06 Household and Security ..... (8,578,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building equitable charges for the rental of such space to include, but not be limited to, the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding the provisions of any law or regulation to the contrary, and except for leases negotiated by the Division of Property Management and Construction and subject to the approval or disapproval by the State Leasing and Space Utilization Committee pursuant to P.L.1992, c.130 (C.52:18A-191.1 et al.), and except as hereinafter provided, no lease for the rental of any office or building, except for legislative district offices, shall be executed without the prior written consent of the State Treasurer and the Director of the Division of Budget and Accounting. Legislative district office leases may be executed by personnel in the Office of Legislative Services so directed by the Executive Director, provided the lease complies with the Joint Rules Governing Legislative District Offices adopted by the presiding officers. Leases which do not comply with the Joint Rules Governing Legislative District Offices may be executed by personnel in the Office of Legislative Services, District Office Services so directed by the Executive Director with the prior written consent of the President of the Senate and the Speaker of the General Assembly.

To the extent that amounts appropriated for property rental payments are insufficient, there are appropriated such additional amounts, not to exceed $3,000,000 as may be required to pay property rental obligations, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed $2,500,000 shall be appropriated for the costs of security, maintenance, utilities and other operating expenses related to the closure of State-owned buildings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Property Management and Construction is empowered to renegotiate lease terms, provided that such renegotiations result in cost savings to the State for the current fiscal year and for the term of the lease. Any lease amendments made as a result of these renegotiations are subject to the review and approval of the State Leasing and Space Utilization Committee. Receipts from such renegotiations are

appropriated to the Property Rentals account to offset the cost of leases, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay for office renovations associated with the consolidation of office space, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay debt service costs for the Greystone Park Psychiatric Hospital Project, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 105 of P.L.2003, c.13 (C.39:2A-36) or any law or regulation to the contrary, $10,940,000 is appropriated from the revenues appropriated to the New Jersey Motor Vehicle Commission for transfer to the Interdepartmental property rentals account to reflect savings from implementation of management and procurement efficiencies, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Property Rentals account such amounts as necessary to reflect savings from post warranty product maintenance initiatives. This additional sum is appropriated for Property Rentals.

The unexpended balance at the end of the preceding fiscal year in the Master Lease Program Fund is appropriated for the same purpose.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Insurance and Other Services program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

There are appropriated such additional amounts as may be required to pay tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

The amount appropriated to the Tort Claims Liability Fund is available for the payment of claims of a tortious nature, for the indemnification of pool attorneys engaged by the Public Defender for the defense of indigents, for the indemnification of designated pathologists engaged by the State Medical Examiner, and for direct costs of legal, administrative and medical services related to the investigation, mitigation and litigation of tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, claims paid from the Tort Claims Liability Fund on behalf of entities funded, in whole or in part, from non-State funds, may be reimbursed from such non-State fund sources as determined by the Director of the Division of Budget and Accounting.

There are appropriated such additional amounts as may be required to pay claims not payable from the Tort Claims Liability Fund or payable under the "New Jersey Contractual Liability Act", N.J.S.59:13-1 et seq., as recommended by the Attorney

General and as the Director of the Division of Budget and Accounting shall determine. The amounts appropriated are available for the payment of direct costs of legal, administrative and medical services related to the investigation, mitigation and litigation of claims not payable from the Tort Claims Liability Fund or payable under the "New Jersey Contractual Liability Act", as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine. Notwithstanding the provisions of any law or regulation to the contrary, claims or costs paid from the monies appropriated under this paragraph on behalf of entities funded, in whole or in part from non-State funds, may be reimbursed from such non-State funds sources as determined by the Director of the Division of Budget and Accounting. Appropriations under this paragraph shall not be available to pay punitive damages and shall not be deemed a waiver of any immunity by the State.

To the extent that amounts appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional amounts as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 et seq. is available for the payment of direct costs of legal, investigative, administrative and medical services related to the investigation, mitigation, litigation and administration of claims against the fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, benefits provided to community work experience participants shall be borne by the Work First New Jersey program funded through the Department of Human Services and any costs related to administration, mitigation, litigation and investigation of claims will be reimbursed to the Division of Risk Management within the Department of the Treasury by the Work First New Jersey program funded through the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.

Provided that expenditures during the current fiscal year on Workers' Compensation claims attributable to the Departments of Human Services, Transportation, Corrections, and Law and Public Safety are less than the respective amounts expended by those departments for claims attributable to the preceding fiscal year, all or a portion of that savings is appropriated to those departments or the Division of Risk Management within the Department of the Treasury for the purpose of improving worker safety and reducing workers' compensation costs, subject to the approval of the Director of the Division of Budget and Accounting.

To the extent that amounts appropriated to pay auto insurance claims are insufficient, there are appropriated such additional amounts as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Vehicle Claims Liability Fund is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

The unexpended balance at the end of the preceding fiscal year in the Self-Insurance Deductible Fund is appropriated for the same purposes.

The amount hereinabove appropriated for the Self-Insurance Fund - Foster Parents is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated are available for payment of obligations applicable to prior fiscal years.

There are appropriated out of revenues received from utility companies such amounts as may be required for implementation and administration of the Energy Conservation Initiatives Program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for fuel and utility costs, amounts may be transferred to or from State departments to meet fuel and utility needs, subject to the approval of the Director of the Division of Budget and Accounting; and, in addition to the amounts hereinabove appropriated for fuel and utility costs and for the Public Health, Environmental and Agricultural Laboratory fuel and utility costs, there are appropriated such additional amounts as may be required to pay fuel and utility costs, subject to the approval of the Director of the Division of Budget and Accounting.

Revenue generated from the sale of Solar Renewable Energy Certificates is appropriated to fund energy-related savings initiatives as determined by the Director of Energy Savings within the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Fuel and Utilities, there is appropriated $52,500,000 from the Clean Energy Fund for utility costs in State facilities.

Receipts from fees charged for public parking at the Bangs Avenue Parking Garage in Asbury Park, and the unexpended balance from the preceding fiscal year, are appropriated for the costs incurred for maintenance and operation of the garage, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Household and Security account, there is appropriated to the Household and Security account $2,500,000 from the New Jersey Motor Vehicle Commission for utility, security, and building maintenance costs.

In addition to the amount hereinabove appropriated for Utilities and Other Services, of the unexpended balances in the Petroleum Overcharge Reimbursement Fund, there is appropriated such amounts as are required to fund the energy tracking and invoice payment system, as determined by the Director of Energy Savings within

the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

In accordance with the "Recycling Enhancement Act," P.L.2007, c.311 (C.13:1E-96.2 et al.), an amount not to exceed $358,000 is appropriated from the State Recycling Fund - Recycling Administration account to the Department of the Treasury for administrative costs attributable to the State recycling program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

09-9460 Aid to Independent Authorities $141,974,000
Total Grants-in-Aid Appropriation, General Government Services $141,974,000

Grants-in-Aid:

09 New Jersey Sports and Exposition Authority - Debt Service .....($68,474,000)
09 New Jersey Performing Arts Center, EDA .....(5,561,000)
09 Business Employment Incentive Program, EDA - Debt Service .....(27,850,000)
09 Liberty Science Center.....(10,945,000)
09 Municipal Rehabilitation and Economic Recovery, EDA .....(14,144,000)
09 New Jersey Sports and Exposition Authority - Operations .....(15,000,000)

In addition to the amounts hereinabove appropriated for the Sports and Exposition Authority, there are appropriated such additional amounts as are necessary to satisfy debt service obligations and to maintain the core operating functions of the Authority, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the New Jersey Performing Arts Center, EDA account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority, for the lease of real property and infrastructure improvements and the New Jersey Performing Arts Center structure constructed thereon purchased by the Authority for the State in the City of Newark, for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and improvements thereon purchased or caused to be constructed by the Authority for the State in the City of Newark for the New Jersey Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the Authority, the title to the real property and improvements shall revert to the State. The State may sublease the land and facilities

for the purpose of operating, maintaining, or financing a Performing Arts Center in Newark. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the New Jersey Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor. There are appropriated such additional sums as may be necessary to pay debt service for the New Jersey Performing Arts Center.

The amounts hereinabove appropriated for debt service payments attributable to the New Jersey Performing Arts Center, EDA program and to the Municipal Rehabilitation and Economic Recovery, EDA program may be paid by the New Jersey Economic Development Authority from resources available from unexpended balances, and in such instances the amounts appropriated for the New Jersey Performing Arts Center, EDA program and for the Municipal Rehabilitation and Economic Recovery, EDA program shall be reduced by the same amount. There are appropriated such additional sums as may be necessary to pay debt service and other costs for the Municipal Rehabilitation and Economic Recovery, EDA program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Liberty Science Center is allocated for debt service obligations and for the operations of the Liberty Science Center, the amount of such operational support to be determined by the State Treasurer on such terms and conditions as the State Treasurer requires pursuant to an agreement between the State Treasurer and the Liberty Science Center, subject to the approval of the Director of the Division of Budget and Accounting. In addition, there are appropriated such additional sums as may be necessary to satisfy debt service obligations subject to the approval of the Director of the Division of Budget and Accounting. Furthermore, there are also appropriated such additional sums for support of the operations of the center, as determined by the State Treasurer on such terms and conditions as the State Treasurer requires pursuant to an agreement between the State Treasurer and the Liberty Science Center, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

08-9450 Capital Projects - Statewide $218,715,000

Total Capital Construction Appropriation, General Government Services $218,715,000

Capital Projects:

Statewide Capital Projects:

08 Life Safety, Emergency, and IT Projects - Statewide ..... ($19,076,000)

08 New Jersey Building Authority ..... (101,923,000)

Open Space Preservation Program:

08 Garden State Preservation Trust Fund Account ..... (97,716,000)

There are appropriated such additional amounts as may be required to pay future debt service costs for projects undertaken by the New Jersey Building Authority, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts appropriated under P.L.2004, c.71, donations for the 9/11 Memorial Design Costs from public and private sources, including those collected from the Port Authority of New York and New Jersey, for the purposes of planning, designing, maintaining and constructing a memorial to the victims of the terrorist attacks of September 11, 2001, on the World Trade Center in New York City, the Pentagon in Washington, D.C., and United Airlines Flight 93 in Somerset County, Pennsylvania, shall be deposited by the State Treasurer into a dedicated account established for this purpose and are appropriated for the purposes set forth under P.L.2004, c.71 and there are appropriated or transferred such amounts as are necessary for the 9/11 Memorial project, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in order to provide flexibility in administering the amounts provided for Statewide Fire, Life Safety and Renovations Projects; Roof Repairs - Statewide; American's with Disabilities Act Compliance Projects - Statewide; Hazardous Materials Removal Projects - Statewide; Statewide Security Projects; and Energy Efficiency - Statewide Projects; such amounts as may be necessary may be transferred to individual project line items within various departments, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Hazardous Materials Removal Projects - Statewide and Statewide Security Projects, funds may be transferred to the Fuel Distribution Systems / Underground Storage Tank Replacements - Statewide account for the removal of underground storage tanks at State facilities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed $5,000,000, from monies received from the sale of real property that are deposited into the State-owned Real Property Fund pursuant to section 1 of P.L.2007, c.108 (C.52:31-1.3b) are appropriated for Statewide Roofing Repairs and Replacements.

Notwithstanding the provisions of any law or regulation to the contrary, any monies received from the sale of real property that are deposited into the State-owned Real Property Fund pursuant to section 1 of P.L.2007, c.108 (C.52:31-1.3b) are appropriated for Capital projects that increase energy efficiency, improve work place safety or for information technology systems or other capital investments that will generate an operating budget savings, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Garden State Preservation Trust Fund Account, interest earned and accumulated commencing with the start of this fiscal year is appropriated.

The amount hereinabove appropriated for the Garden State Preservation Trust Fund Account is subject to the provisions of the "Garden State Preservation Trust Act,"

P.L.1999, c.152 (C.13:8C-1 et seq.) and the constitutional amendment on open space (Article VIII, Section II, paragraph 7).

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $9,200,000 from the Clean Energy Fund for energy efficiency capital projects in State facilities.

9410 Employee Benefits

DIRECT STATE SERVICES

03-9410	Employee Benefits	$2,169,883,000
	Total Direct State Services Appropriation, Employee Benefits	$2,169,883,000

Direct State Services:

Special Purpose:

03	Public Employees' Retirement System	($123,586,000)
03	Public Employees' Retirement System - Post Retirement Medical	(335,705,000)
03	Public Employees' Retirement System - Non-contributory Insurance	(28,180,000)
03	Police and Firemen's Retirement System	(42,862,000)
03	Police and Firemen's Retirement System - Non-contributory Insurance	(9,733,000)
03	Police and Firemen's Retirement System (P.L.1979, c.109)	(3,400,000)
03	Alternate Benefit Program - Employer Contributions	(1,307,000)
03	Alternate Benefit Program - Non-contributory Insurance	(221,000)
03	Defined Contribution Retirement Program	(1,268,000)
03	Defined Contribution Retirement Program - Non-contributory Insurance	(410,000)
03	State Police Retirement System	(31,491,000)
03	State Police Retirement System - Non-contributory Insurance	(2,021,000)
03	Judicial Retirement System	(14,118,000)
03	Judicial Retirement System - Non-contributory Insurance	(818,000)
03	Teachers' Pension and Annuity Fund	(563,000)
03	Teachers' Pension and Annuity Fund - Post Retirement Medical - State	(3,629,000)
03	Teachers' Pension and Annuity Fund - Non-contributory Insurance	(56,000)
03	Pension Adjustment Program	(1,156,000)
03	Veterans Act Pensions	(63,000)
03	Debt Service on Pension Obligation Bonds	(134,741,000)

03 Volunteer Emergency Survivor Benefit.....(165,000)
03 State Employee Health Benefits .....(707,545,000)
03 Other Pension Systems - Post Retirement Medical.....(125,322,000)
03 State Employees' Prescription Drug Program .....(197,120,000)
03 State Employees' Dental Program - Shared Cost .....(23,824,000)
03 State Employees' Vision Care Program.....(700,000)
03 Affordable Care Act Fees .....(12,807,000)
03 Social Security Tax - State.....(346,516,000)
03 Temporary Disability Insurance Liability.....(11,810,000)
03 Unemployment Insurance Liability .....(8,746,000)

Such additional amounts as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-contributory Insurance, Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Defined Contribution Retirement Program, Defined Contribution Retirement Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Police Retirement System - Non-contributory Insurance, Judicial Retirement System - Non-contributory Insurance, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, State Employees' Vision Care Program, Affordable Care Act Fees, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No amounts hereinabove appropriated shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

Notwithstanding the provisions of the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.), pension adjustment benefits for State members and beneficiaries of the Consolidated Police and Firemen's Pension Fund, Prison Officers' Pension Fund, and Central Pension Fund shall be paid by the respective pension funds. The amounts hereinabove appropriated for the Pension Adjustment Program for these benefits as required under the act shall be paid to the Pension Adjustment Fund.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

Such additional amounts as may be required for State Employees' Health Benefits may be transferred from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Such additional amounts as may be required for Social Security Tax - State may be transferred from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Section 125 Tax Savings Program established in 1996 pursuant to section 7 of P.L.1996, c.8 (C.52:14-15.1a) and the Section 132(f) Commuter Transportation Benefit Program established in 2003 pursuant to section 1 of P.L.2001, c.162 (C.52:14-15.1b) shall be paid from amounts hereinabove appropriated for the Social Security Tax - State account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Unemployment Compensation Management and Cost Control Program, which was established pursuant to N.J.A.C.17:1-9.6, shall be paid from amounts hereinabove appropriated for the Unemployment Insurance Liability account, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for Social Security Tax - State there are appropriated such sums as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

03-9410	Employee Benefits	$954,220,000
	Total Grants-in-Aid Appropriation, Employee Benefits	$954,220,000

Grants-in-Aid:

Special Purpose:

03	Public Employees' Retirement System	($14,565,000)
03	Public Employees' Retirement System - Post Retirement Medical	(56,728,000)
03	Public Employees' Retirement System - Non-contributory Insurance	(2,859,000)
03	Police and Firemen's Retirement System	(4,492,000)
03	Police and Firemen's Retirement System - Non-contributory Insurance	(387,000)
03	Alternate Benefit Program - Employer Contributions	(145,547,000)
03	Alternate Benefit Program - Non-contributory Insurance	(23,480,000)
03	Teachers' Pension and Annuity Fund	(63,000)

03 Teachers' Pension and Annuity Fund - Post Retirement Medical - State ..... (4,854,000)
03 Teachers' Pension and Annuity Fund - Non-contributory Insurance ..... (6,000)
03 Debt Service on Pension Obligation Bonds ..... (7,774,000)
03 State Employees' Health Benefits ..... (359,063,000)
03 Other Pension Systems - Post Retirement Medical ..... (48,612,000)
03 State Employees' Prescription Drug Program ..... (101,130,000)
03 State Employees' Dental Program - Shared Cost ..... (10,578,000)
03 Affordable Care Act Fees ..... (5,426,000)
03 Social Security Tax - State ..... (158,651,000)
03 Temporary Disability Insurance Liability ..... (6,877,000)
03 Unemployment Insurance Liability ..... (3,128,000)

Such additional amounts as may be required for Public Employees' Retirement System - Post Retirement Medical, Public Employees' Retirement System - Non-contributory Insurance, Police and Firemen's Retirement System - Non-contributory Insurance, Alternate Benefit Program - Employer Contributions, Alternate Benefit Program - Non-contributory Insurance, Teachers' Pension and Annuity Fund - Post Retirement Medical - State, Teachers' Pension and Annuity Fund - Non-contributory Insurance, State Employees' Health Benefits, Other Pension Systems - Post Retirement Medical, State Employees' Prescription Drug Program, State Employees' Dental Program - Shared Cost, Affordable Care Act Fees, Social Security Tax - State, Temporary Disability Insurance Liability, and Unemployment Insurance Liability are appropriated, as the Director of the Division of Budget and Accounting shall determine.

No amounts hereinabove appropriated shall be used to provide additional health insurance coverage to a State or local elected official when that official receives health insurance coverage as a result of holding other public office or employment.

The unexpended balance at the end of the preceding fiscal year in the Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

In addition to the amount hereinabove appropriated for Debt Service on Pension Obligation Bonds to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Section 125 Tax Savings Program established in 1996 pursuant to section 7 of P.L.1996, c.8 (C.52:14-15.1a) and the Section 132(f) Commuter Transportation Benefit Program established in 2003 pursuant to section 1 of P.L.2001, c.162 (C.52:14-15.1b) shall be paid from amounts herein-

above appropriated for the Social Security Tax - State account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees due to the third party administrator for the Unemployment Compensation Management and Cost Control Program, which was established pursuant to N.J.A.C.17:1-9.6, shall be paid from amounts hereinabove appropriated for the Unemployment Insurance Liability account, subject to the approval of the Director of the Division of Budget and Accounting.

9420 Other Interdepartmental Accounts

DIRECT STATE SERVICES

04-9420 Other Interdepartmental Accounts $12,925,000

Total Direct State Services Appropriation, Other Interdepartmental Accounts $12,925,000

Direct State Services:

Special Purpose:

04 To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of $5,000 shall be available for expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State. ..... ($375,000)

04 Contingency Funds ..... (625,000)

04 Interest on Short Term Notes ..... (6,000,000)

04 Banking Services ..... (4,500,000)

04 Debt Insurance - Special Purpose ..... (1,100,000)

04 Catastrophic Illness in Children Relief Fund - Employer Contributions ..... (225,000)

04 Interest on Interfund Borrowing ..... (100,000)

Unless otherwise indicated, funds hereinabove appropriated may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

Notwithstanding the provisions of N.J.S.2A:153-1 et seq., there is allocated at the discretion of the Governor, an amount up to $50,000, from the Special Purpose amount hereinabove appropriated to meet any condition of emergency or necessity, as a reward for the capture and return of Joanne Chesimard.

The unexpended balance at the end of the preceding fiscal year in the Governor's Contingency Fund is appropriated for the same purpose.

There are appropriated to the Emergency Services Fund such sums as are required to meet the costs of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster as recommended by the Governor's Advisory Council for

Emergency Services and approved by the Governor, and subject to the approval of the Director of the Division of Budget and Accounting. In the event that the Governor's Advisory Council for Emergency Services is unable to convene due to any such emergency described above, there shall be appropriated to the Emergency Service Fund such sums as are required to meet the costs of any such emergency described above, and payments from the Fund shall be made by the State Treasurer upon approval of the Governor and the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Disasters and Emergencies account is appropriated for the same purpose.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

GRANTS-IN-AID

04-9420 Other Interdepartmental Accounts $13,200,000
Total Grants-in-Aid Appropriation, Other Interdepartmental Accounts $13,200,000

Grants-in-Aid:

04 Community Provider Contract Adjustments .....($13,200,000)

Of the amount hereinabove appropriated for Community Provider Contract Adjustments, amounts shall be transferred to departments and divisions contracting with community care providers in order to provide an upward contract adjustment effective January 1, 2015 for such providers, which shall be provided as payments to direct care workers. Contract adjustments shall be prorated to all such eligible providers proportional to their annual contract base. No later than January 1, 2015, the Director of the Division of Budget and Accounting shall submit a report to the Joint Budget Oversight Committee, detailing, for each department and division: the specific community care providers that will receive an upward contract adjustment in FY2015; for each provider receiving an upward adjustment, the contract base dollar amount upon which each contract adjustment was calculated and the dollar amount of the upward contract adjustment to be received in FY2015; the sum of the contract bases of all community providers receiving an upward adjustment; an explanation of how the amounts associated with the upward contract adjustment were calculated; and the manner in which the department or division administering each contract will ensure that the contract adjustment will be used to provide increased payments to direct care workers.

9430 Salary Increases and Other Benefits

DIRECT STATE SERVICES

05-9430 Salary Increases and Other Benefits $73,508,000
Total Direct State Services Appropriation, Salary Increases and Other Benefits $73,508,000

Direct State Services:

Special Purpose:

05 Executive Branch ..... ($53,037,000)
05 Judicial Branch ..... (8,848,000)
05 Legislative Branch ..... (623,000)
05 Unused Accumulated Sick Leave Payments ..... (11,000,000)

The amounts hereinabove appropriated to the various State departments, agencies or commissions for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, including R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1), the State Treasurer, the Chairperson of the Civil Service Commission, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of the fiscal year as determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of the definition of "administrative rule" or "rule" of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be construed as applicable to the Presidents of the State Colleges, Rutgers, The State University and the New Jersey Institute of Technology.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch or unclassified personnel of the Judicial Branch.

Any amounts appropriated for Salary Increases and Other Benefits shall be made available for any person holding State office, position or employment whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment under the Palisades Interstate Park Commission.

The unexpended balances at the end of the preceding fiscal year in the Salary Increases and Other Benefits accounts are appropriated for the same purposes.

In addition to the amount hereinabove appropriated for Unused Accumulated Sick Leave Payments, there are appropriated such sums as may be necessary for payments of unused accumulated sick leave.

In addition to the amounts hereinabove appropriated for Executive Branch there are appropriated such sums as may be necessary for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Interdepartmental Accounts, Total State Appropriation $3,875,508,000

Summary of Interdepartmental Accounts Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $2,547,399,000
Grants-in-Aid 1,109,394,000
Capital Construction 218,715,000
Appropriations by Fund:
General Fund $3,875,508,000

98 THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services
DIRECT STATE SERVICES

01-9710	Supreme Court	$6,891,000
02-9715	Superior Court - Appellate Division	21,351,000
03-9720	Civil Courts	106,982,000
04-9725	Criminal Courts	140,719,000
05-9730	Family Courts	118,123,000
06-9735	Municipal Courts	1,598,000
07-9740	Probation Services	137,763,000
08-9745	Court Reporting	8,898,000
09-9750	Public Affairs and Education	2,953,000
10-9755	Information Services	18,169,000
11-9760	Trial Court Services	117,633,000
12-9765	Management and Administration	11,339,000
	Total Direct State Services Appropriation, Judicial Services	$692,419,000

Direct State Services:
Personal Services:
Chief Justice ..... ($193,000)
Associate Justices ..... (1,113,000)
Judges ..... (71,244,000)
Salaries and Wages ..... (448,093,000)
Materials and Supplies ..... (7,755,000)
Services Other Than Personal ..... (32,423,000)
Maintenance and Fixed Charges ..... (1,852,000)
Special Purpose:
01 Rules Development ..... (200,000)
04 Drug Court Treatment/Aftercare ..... (35,508,000)
04 Drug Court Operations ..... (16,777,000)
04 Drug Court Judgeships ..... (2,569,000)
05 Family Crisis Intervention ..... (1,076,000)

05 Child Placement Review Advisory Council..... (82,000)
05 Kinship Legal Guardianship ..... (3,711,000)
05 Child Support and Paternity Program Title IV-D (Family Court)..... (15,112,000)
07 Intensive Supervision Program ..... (15,757,000)
07 Juvenile Intensive Supervision Program ..... (2,269,000)
07 Child Support and Paternity Program Title IV-D (Probation) ..... (29,393,000)
11 Child Support and Paternity Program Title IV-D (Trial)..... (2,561,000)
12 Affirmative Action and Equal Employment Opportunity ..... (770,000)
Additions, Improvements and Equipment..... (3,961,000)

The unexpended balances at the end of the preceding fiscal year in the Civil Arbitration Program and Drug Court Programs are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from fees under the Special Civil Part service of process via certified mailers are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated in the Drug Court Treatment/Aftercare account shall be transferred to the Department of Human Services to fund treatment, aftercare and administrative services associated with the Drug Court Program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the increase in fees collected by the Judiciary pursuant to P.L.2002, c.34 and related increases provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1) are appropriated from the Court Technology Improvement Fund for the purpose of offsetting the costs of development, establishment, operation and maintenance of the Judiciary computerized court information systems, subject to the approval of the Director of the Division of Budget and Accounting.

The Judiciary, Total State Appropriation..... $692,419,000

Receipts from charges to certain Special Purpose accounts listed hereinabove are appropriated for services provided from these funds.

Receipts from charges to the Superior Court Trust Fund, New Jersey Lawyers Fund for Client Protection, Disciplinary Oversight Committee, Board on Attorney Certification, Bar Admission Financial Committee, Parents' Education Fund, Automated Traffic System Fund, Municipal Court Administrator Certification Program, Comprehensive Enforcement Program, Courts Computerized Information Systems Fund, County Corrections Information Systems, and Man-

datory Continuing Legal Education Program are appropriated for services provided from these funds.

The unexpended balances at the end of the preceding fiscal year not to exceed $10,000,000 in these respective accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Summary of Judiciary Appropriations
(For Display Purposes Only)

Appropriations by Category:
Direct State Services $692,419,000
Appropriations by Fund:
General Fund $692,419,000

DEBT SERVICE

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
46 Environmental Planning and Administration

99-4800 Interest on Bonds $8,276,000
99-4800 Bond Redemption 26,422,000
Total Debt Service Appropriation, Department of Environmental Protection $34,698,000

Debt Service:
Special Purpose:
Interest:
Clean Waters Bonds (P.L.1976, c.92) ..... ($29,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118) ..... (30,000)
Natural Resources Bonds (P.L.1980, c.70) ..... (96,000)
Water Supply Bonds (P.L.1981, c.261) ..... (417,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302) ..... (26,000)
Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265) ..... (186,000)
New Jersey Open Space Preservation Bonds (P.L.1989, c.183) ..... (90,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181) ..... (116,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88) ..... (489,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204) ..... (306,000)

Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70) ..... (1,506,000)
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162) ..... (2,836,000)
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P.L.2007, c.119) ..... (2,149,000)
Redemption:
Clean Waters Bonds (P.L.1976, c.92) ..... (65,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118) ..... (210,000)
Natural Resources Bonds (P.L.1980, c.70) ..... (1,735,000)
Water Supply Bonds (P.L.1981, c.261) ..... (780,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302) ..... (50,000)
Hazardous Discharge Bonds (P.L.1986, c.113) ..... (90,000)
Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265) ..... (225,000)
New Jersey Open Space Preservation Bonds (P.L.1989, c.183) ..... (130,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181) ..... (660,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88) ..... (875,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204) ..... (1,960,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70) ..... (2,915,000)
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162) ..... (8,760,000)
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P.L. 2007, c. 119) ..... (6,445,000)
Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bonds (P.L. 2009, c. 117) ..... (1,522,000)

Total Debt Service Appropriation, Department of Environmental Protection $34,698,000

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management, and Control

76 Management and Administration

99-2000 Interest on Bonds $98,965,000
99-2000 Bond Redemption 271,169,000

Total Debt Service Appropriation, Department of the Treasury $370,134,000

Debt Service:

Special Purpose:

Interest:

Payments on Future Bond Sales ..... ($24,750,000)
Energy Conservation Bonds (P.L.1980, c.68) ..... (2,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182) ..... (73,313,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78) ..... (11,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184) ..... (12,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108) ..... (214,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181) ..... (663,000)

Redemption:

Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182) ..... (253,600,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78) ..... (400,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184) ..... (455,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108) ..... (1,035,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181) ..... (14,785,000)
Building Our Future Bonds (P.L.2012, c. 41) ..... (894,000)

Total Debt Service Appropriation, Department of the Treasury $370,134,000

Notwithstanding the provisions of any law or regulation to the contrary, such sums as may be needed for the payment of interest and principal due from the issuance of any bonds authorized under the several bond acts of the State, or bonds issued to refund such bonds, are appropriated and first shall be charged to the earnings from the investments of such bond proceeds, or repayments of loans, or any other monies in the applicable bond funds, or all of these, established under such bond acts, and monies are appropriated from such bond funds for the purpose of paying interest and principal on the bonds issued pursuant to such bond acts. Where required by law, such sums shall be used to fund a reserve for the

payment of interest and principal on the bonds authorized under the bond act. Furthermore, where required by law, the amounts hereinabove appropriated are allocated to the projects heretofore approved by the Legislature pursuant to those bond acts. The Director of the Division of Budget and Accounting is authorized to reallocate amounts hereinabove appropriated among the various debt service accounts to permit the proper debt service payments.

There are appropriated such sums as may be needed for the payment of debt service administrative costs.

Subsequent to the refunding of bonds in the current fiscal year, the Director of the Division of Budget and Accounting is authorized to allocate amounts hereinabove appropriated among the various debt service accounts to reflect the debt service savings of the refunding and to permit the proper debt service payments.

Total Appropriation, Debt Service $404,832,000

Summary of Appropriations - All Departments
(For Display Purposes Only)

Appropriations by Category:

Direct State Services	$6,827,521,000
Grants-in-Aid	10,075,297,000
State Aid	13,656,420,000
Capital Construction	1,573,695,000
Debt Service	404,832,000

Appropriation by Fund:

General Fund	$19,138,100,000
Property Tax Relief Fund	13,069,085,000
Casino Revenue Fund	270,172,000
Casino Control Fund	60,408,000

Total Appropriation, All State Funds $32,537,765,000

FEDERAL FUNDS

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

49 Agricultural Resources, Planning, and Regulation

01-3310	Animal Disease Control	$634,000
02-3320	Plant Pest and Disease Control	926,000
03-0330	Agriculture and Natural Resources	150,000
05-3350	Food and Nutrition Services	460,304,000
06-3360	Marketing and Development Services	2,121,000
08-3380	Farmland Preservation	4,520,000

Total Appropriation, Agricultural Resources, Planning, and Regulation $468,655,000

Personal Services:
Salaries and Wages ..... ($6,556,000)
Employee Benefits ..... (2,008,000)
Materials and Supplies ..... (362,000)
Services Other Than Personal ..... (2,136,000)
Maintenance and Fixed Charges ..... (817,000)
Special Purpose:
Farm Bill Pest ..... (30,000)
Cooperative Inspection Service ..... (2,000)
Other Special Purpose ..... (200,000)
State Aid and Grants:
Food Stamp - TEFAP ..... (520,000)
Farmland Preservation ..... (4,500,000)
Child Nutrition - School Lunch ..... (270,000,000)
Child Nutrition - Special Milk ..... (1,300,000)
Child Nutrition - School Breakfast ..... (84,000,000)
Child Care Food ..... (74,000,000)
Child Care Sponsor ..... (1,100,000)
Cash in Lieu of Commodities ..... (4,100,000)
Child Nutrition- Summer Programs ..... (9,240,000)
Summer Sponsor Administration ..... (924,000)
Fresh Fruit and Vegetable Program ..... (4,560,000)
Specialty Crop Block Grant Program ..... (400,000)
State Aid and Grants ..... (1,100,000)
Additions, Improvements and Equipment ..... (800,000)

Total Appropriation, Department of Agriculture $468,655,000

16 DEPARTMENT OF CHILDREN AND FAMILIES

50 Economic Planning, Development, and Security

55 Social Services Programs

01-1610 Child Protection and Permanency $285,143,000
02-1620 Children's System of Care 183,665,000
03-1630 Family and Community Partnerships 37,576,000
04-1600 Education Services 2,135,000
05-1600 Child Welfare Training Academy Services and Operations 2,059,000
99-1600 Administration and Support Services 1,369,000
99-1610 Administration and Support Services 13,488,000
99-1620 Administration and Support Services 801,000
Total Appropriation, Social Services Program $526,236,000

Personal Services:
Salaries and Wages ..... ($223,388,000)

Materials and Supplies ..... (2,610,000)
Services Other Than Personal ..... (11,397,000)
Maintenance and Fixed Charges ..... (16,956,000)
Special Purpose:
Safety and Permanency in the Courts ..... (500,000)
State Aid and Grants ..... (265,309,000)
Additions, Improvements and Equipment ..... (6,076,000)

Total Appropriation, Department of Children and Families $526,236,000

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management

02-8020 Housing Services $267,653,000
06-8015 Uniform Construction Code 30,000
Total Appropriation, Community Development Management $267,683,000
Personal Services:
Salaries and Wages ..... ($12,670,000)
Employee Benefits ..... (6,430,000)
Materials and Supplies ..... (176,000)
Services Other Than Personal ..... (2,468,000)
Maintenance and Fixed Charges ..... (1,765,000)
Special Purpose:
Shelter Plus Care Program ..... (11,000)
Moderate Rehabilitation Housing Assistance ..... (61,000)
Section 8 Housing Voucher Program ..... (1,330,000)
Housing Opportunities for Persons with AIDS ..... (5,000)
Small Cities Block Grant Program ..... (22,000)
Lead Abatement Certification ..... (2,000)
Other Special Purpose ..... (38,000)
State Aid and Grants:
Transitional Housing - Homeless ..... (70,000)
Housing Opportunities for Persons with AIDS Post-Incarcerated ..... (1,124,000)
State Aid and Grants ..... (241,511,000)

50 Economic Planning, Development, and Security
55 Social Services Programs

05-8050 Community Resources $167,862,000
Total Appropriation, Social Services Programs $167,862,000
Personal Services:
Salaries and Wages ..... ($1,372,000)
Employee Benefits ..... (694,000)

Materials and Supplies.....(125,000)
Services Other Than Personal.....(2,082,000)
Maintenance and Fixed Charges.....(77,000)
Special Purpose:
Low Income Home Energy Assistance Program .....(101,000)
Community Services Block Grant .....(100,000)
Other Special Purpose.....(11,000)
State Aid and Grants.....(163,300,000)

Total Appropriation, Department of Community Affairs $435,545,000

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation

08-7080 Institutional Care and Treatment $166,000
08-7110 Institutional Care and Treatment 222,000
08-7130 Institutional Care and Treatment 112,000
13-7025 Institutional Program Support 7,217,000
Total Appropriation, Detention and Rehabilitation..... $7,717,000
Personal Services:
Salaries and Wages .....($257,000)
Employee Benefits.....(164,000)
Materials and Supplies.....(20,000)
Special Purpose:
Prison Rape Elimination Grant .....(500,000)
SSA Incentive Payments.....(63,000)
Engaging the Family - Community Centered.....(1,039,000)
Second Chance Act Re-Entry Demonstration.....(450,000)
National Institute of Justice Operations Research.....(200,000)
State Criminal Alien Assistance Program.....(3,792,000)
SID Intellegence Technology.....(500,000)
Inmate Vocational Certifications .....(173,000)
Technology Enhancements .....(500,000)
Other Special Purpose.....(9,000)
State Aid and Grants:
Violence Against Women Grant .....(19,000)
Edna Mahan Visitation Program.....(31,000)

17 Parole

03-7010 Parole..... $800,000
Total Appropriation, Parole $800,000
State Aid and Grants.....($800,000)

19 Central Planning, Direction and Management

99-7000 Administration and Support Services $2,068,000
Total Appropriation, Central Planning, Direction and Management $2,068,000
Personal Services:
Salaries and Wages ..... ($1,288,000)
Employee Benefits ..... (566,000)
Materials and Supplies ..... (17,000)
Services Other Than Personal ..... (25,000)
Special Purpose:
Perkins - Vocational Education ..... (157,000)
Other Special Purpose ..... (15,000)

Total Appropriation, Department of Corrections $10,585,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural, and Intellectual Development

31 Direct Educational Services and Assistance

07-5065 Special Education $365,833,000
Total Appropriation, Direct Educational Services and Assistance $365,833,000
Personal Services:
Salaries and Wages ..... ($9,871,000)
Employee Benefits ..... (5,010,000)
Services Other Than Personal ..... (10,336,000)
Special Purpose:
Individuals with Disabilities Education Act Basic State Grant ..... (565,000)
Individuals with Disabilities Education Act Preschool Grants ..... (242,000)
IDEA Part B - Discretionary Administration ..... (699,000)
State Aid and Grants ..... (339,108,000)
Additions, Improvements and Equipment ..... (2,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf $1,404,000
Total Appropriation, Operation and Support of Educational Institutions $1,404,000
Personal Services:
Salaries and Wages ..... ($644,000)
Employee Benefits ..... (327,000)
Materials and Supplies ..... (13,000)
Services Other Than Personal ..... (99,000)
Special Purpose:

Vocational Education Program .....(26,000)
IDEA (State Institutions), Handicapped.....(275,000)
IDEA, Handicapped: Katzenbach/Deaf/Blind and CSPD.....(10,000)
Preschool Entitlement - Katzenbach School .....(8,000)
Additions, Improvements and Equipment .....(2,000)

33 Supplemental Education and Training Programs

20-5062 General Vocation Education..... $22,133,000
Total Appropriation, Supplemental Education and Training Programs..... $22,133,000
Personal Services:
Salaries and Wages .....($1,461,000)
Employee Benefits .....(741,000)
Materials and Supplies.....(48,000)
Services Other Than Personal.....(418,000)
Special Purpose:
Vocational Education - Basic Grants - Administration.....(86,000)
Vocational Education - Title II B Leadership Activities.....(555,000)
State Aid and Grants.....(18,824,000)

34 Educational Support Services

05-5064 Bilingual Education..... $21,100,000
06-5064 Programs for Disadvantaged Youth 319,708,000
30-5063 Standards, Assessments and Curriculum..... 70,732,000
32-5061 Teacher and Leader Effectiveness..... 205,000
35-5069 Early Childhood Education 275,000
40-5064 Student Services 22,952,000
Total Appropriation, Educational Support Services $434,972,000
Personal Services:
Salaries and Wages .....($3,314,000)
Employee Benefits .....(1,553,000)
Materials and Supplies.....(37,000)
Services Other Than Personal.....(7,874,000)
Special Purpose:
Language Acquisition Discretionary Administration.....(91,000)
Migrant Education - Administration/Discretionary .....(82,000)
Migrant Coordination Program .....(77,000)
Bilingual and Compensatory Education - Homeless Children and Youth .....(10,000)
State Assessments .....(60,000)
State Grants for Improving Teacher Quality.....(245,000)
Advanced Placement Incentive Program .....(17,000)
National Assessment of Educational Progress State Coordinator.....(4,000)

Public Charter Schools ..... (5,000)
Troops-to-Teachers Program ..... (27,000)
Head Start Collaboration ..... (108,000)
21st Century Schools ..... (339,000)
AIDS Prevention Education ..... (62,000)
Other Special Purpose ..... (20,000)
State Aid and Grants ..... (421,047,000)

35 Education Administration and Management

41-5092 Data, Research Evaluation and Reporting $980,000
99-5093 Administration and Support Services 15,000
99-5095 Administration and Support Services 4,419,000
Total Appropriation, Education Administration and Management $5,414,000
Personal Services:
Salaries and Wages ..... ($2,845,000)
Employee Benefits ..... (1,444,000)
Special Purpose:
Statewide Longitudinal Data Systems Research Grant ..... (715,000)
NCES Performance Based Data Management Initiative ..... (15,000)
Improving America's Schools Act - Consolidated Administration ..... (395,000)

Total Appropriation, Department of Education $829,756,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management

11-4870 Forest Resource Management $7,145,000
12-4875 Parks Management 36,325,000
13-4880 Hunters' and Anglers' License Fund 16,380,000
14-4885 Shellfish and Marine Fisheries Management 4,565,000
20-4880 Wildlife Management 1,000,000
21-4895 Natural Resources Engineering 1,390,000
Total Appropriation, Natural Resource Management $66,805,000
Personal Services:
Salaries and Wages ..... ($4,684,000)
Employee Benefits ..... (2,368,000)
Special Purpose:
Rural Community Fire Protection Program ..... (194,000)
Forest Resource Management - Cooperative Forest Fire Control ..... (1,323,000)
Asian Longhorned Beetle Project ..... (2,300,000)
Southern Pine Beetle ..... (300,000)

Gypsy Moth Suppression .....(420,000)
Countywide Wildfire Defense.....(50,000)
Consolidated Forest Management.....(751,000)
Assistance to Firefighters - Wildfire and Arson Prevention.....(200,000)
Treatment for Woolly Hemlock Adelgid .....(12,000)
Firewise in the Pines .....(200,000)
Wildland and Urban Interface II .....(100,000)
Defensible Space.....(400,000)
Stewardship Land Type Association.....(30,000)
Conservation Education .....(50,000)
Incentives Program .....(200,000)
Forest Health Monitoring.....(80,000)
Land and Water Conservation Fund.....(3,000,000)
Historic Preservation Survey and Planning.....(233,000)
Endangered Plant Species Supplemental Funding .....(25,000)
Sussex Branch Trail Improvements .....(500,000)
Seashore Line.....(500,000)
Forest Legacy.....(4,000,000)
Forest Legacy Administration.....(3,000)
Highlands Conservation.....(2,000,000)
National Recreational Trails .....(1,817,000)
Scenic Byways.....(3,500,000)
National Coastal Wetlands Conservation.....(3,000,000)
Cape May Point State Park Bikeway (ISTEA) .....(200,000)
Liberty State Park Archival Facility (ISTEA).....(660,000)
Historic Preservation - Super Storm Sandy.....(14,500,000)
Recovery Land Acquisition.....(1,000,000)
Bog Turtle Recovery Acquisition .....(500,000)
Hunters' and Anglers' License Fund .....(925,000)
Hunter Safety Training.....(853,000)
Endangered Species .....(334,000)
Council for the Advancement of Hunting and Shooting Sports.....(150,000)
Species of Greater Conservation Need (SGCN) Research..(183,000)
White Nose Syndrome Grants to States .....(19,000)
Assessment of the Vulnerability of NJ's Habitat and Wildlife to Climate Change .....(100,000)
Hunters' & Anglers' License Fund/N.J. Statewide Fisheries Development.....(1,387,000)
Northeast Wildlife Teamwork Strategy .....(60,000)
Boat Access (Fish and Wildlife) .....(1,000,000)
Archery and Shooting Facility .....(2,750,000)

NJ Landowner Incentive Program - Tier 2
(5 Yr. Projects) ..... (200,000)
Fish & Wildlife Input to Activities - Projects of Others..... (123,000)
State Wildlife Grant Projects..... (1,000,000)
Fish and Wildlife Technical Guidance..... (251,000)
Fish and Wildlife Action Plan..... (86,000)
New Jersey's Landscape Project..... (104,000)
Chronic Wasting Disease..... (109,000)
White Nose Syndrome..... (24,000)
NJ Fish, Wildlife and Anadromous Fishery Coordination. (129,000)
Research in Freshwater Fisheries Management..... (284,000)
Fish Culture and Stocking Project..... (1,000,000)
Aquatic Recreational Resource Awareness &
Education Project..... (205,000)
Wildlife Research and Management..... (888,000)
Fish and Wildlife Health..... (157,000)
Species of Greater Conservation Need - Mammal
Research and Management..... (148,000)
Marine Fisheries Investigation and Management..... (607,000)
Atlantic Coastal Fisheries..... (98,000)
Inventory of New Jersey Surf Clam Resources..... (195,000)
Clean Vessels..... (884,000)
Marine Fisheries Law Enforcement..... (640,000)
NJ Atlantic and Shortnose Sturgeon..... (143,000)
Atlantic Coastal Cooperative Program..... (77,000)
Endangered and Nongame Species Program State
Wildlife Grants..... (433,000)
Community Assistance Program..... (38,000)
Cooperative Technical Partnershipq..... (650,000)
National Dam Safety Program (FEMA)..... (76,000)
Other Special Purpose..... (1,395,000)

43 Science and Technical Programs

05-4840	Water Supply	$58,425,000
07-4850	Water Monitoring and Standards	4,300,000
15-4801	Land Use Regulation	7,800,000
15-4890	Land Use Regulation	1,550,000
18-4810	Office of Science Support	1,550,000
22-4861	New Jersey Geological Survey	870,000
90-4801	Environmental Policy and Planning	8,033,000
	Total Appropriation, Science and Technical Programs	$82,528,000

Personal Services:
Salaries and Wages..... ($6,557,000)
Employee Benefits..... (2,686,000)

Special Purpose:
Drinking Water State Revolving Fund.....(522,000)
Drinking Water State Revolving Fund - Super Storm Sandy.....(38,225,000)
Drinking Water State Revolving Fund.....(15,070,000)
Water Pollution Control Program.....(1,179,000)
Water Pollution S106 Enhancements.....(300,000)
Coastal Zone Management Implementation.....(757,000)
Coastal Estuarine Land Program.....(2,000,000)
State Wetlands Conservation Plan.....(306,000)
Hudson River Walkway.....(4,000,000)
Coastal Zone Management Grant - Section 309.....(244,000)
Coastal Zone Management - Section 310.....(200,000)
Urban Community Air Toxics Program.....(800,000)
Multimedia.....(457,000)
Post-Super Storm Sandy Offshore Sand Resources.....(500,000)
National Geologic Mapping Program.....(121,000)
Earthquake Hazard Reduction.....(20,000)
Geological and Geophysical Data Preservation USGS.....(31,000)
Water Pollution Control.....(3,000)
Environmental & Health Effects Tracking.....(158,000)
Green Energy.....(1,000,000)
Water Monitoring and Planning.....(669,000)
Nonpoint Source Implementation (319H).....(3,828,000)
Beach Monitoring and Notification.....(609,000)
Environmental Workforce and Job Training.....(1,000,000)
Other Special Purpose.....(1,286,000)

44 Site Remediation and Waste Management

19-4815 Publicly-Funded Site Remediation..... $5,000,000
23-4815 Solid and Hazardous Waste Management..... 300,000
23-4910 Solid and Hazardous Waste Management..... 1,100,000
27-4815 Remediation Management and Response..... 8,500,000
Total Appropriation, Site Remediation and Waste Management..... $14,900,000

Personal Services:
Salaries and Wages.....($2,081,000)
Employee Benefits.....(1,055,000)
Special Purpose:
Superfund Grants.....(5,000,000)
Hazardous Waste - Resource Conservation Recovery Act.....(681,000)
Preliminary Assessments/Site Inspections.....(436,000)
Brownfields.....(891,000)

Remedial Planning Support Agency Assistance ..... (550,000)
Underground Storage Tanks..... (1,077,000)
Leaking Underground Storage Tanks -
Super Storm Sandy ..... (2,500,000)
Other Special Purpose ..... (629,000)

45 Environmental Regulation

01-4820 Radiation Protection $600,000
02-4892 Air Pollution Control..... 10,150,000
09-4860 Public Wastewater Facilities 245,710,000
16-4891 Water Monitoring and Planning 125,000
Total Appropriation, Environmental Regulation..... $256,585,000
Personal Services:
Salaries and Wages ..... ($4,149,000)
Employee Benefits ..... (2,106,000)
Special Purpose:
Radon Program ..... (341,000)
Air Pollution Maintenance Program..... (4,289,000)
BioWatch Monitoring ..... (245,000)
Particulate Monitoring Grant ..... (625,000)
Clean Diesel Retrofit..... (400,000)
Clean Water State Revolving Fund..... (52,020,000)
Clean Water State Revolving Fund -
Super Storm Sandy ..... (191,110,000)
Underground Injection Control ..... (48,000)
Other Special Purpose ..... (1,252,000)

46 Environmental Planning and Administration

99-4800 Administration and Support Services $600,000
Total Appropriation, Environmental Planning and
Administration..... $600,000
Special Purpose:
National Information Exchange Network ..... ($426,000)
National Information Exchange Network ..... (168,000)
National Information Exchange Network ..... (6,000)

47 Compliance and Enforcement

02-4855 Air Pollution Control..... $2,500,000
04-4835 Pesticide Control 550,000
08-4855 Water Pollution Control..... 1,250,000
15-4855 Land Use Regulation 600,000
23-4855 Solid and Hazardous Waste Management 3,250,000
Total Appropriation, Compliance and Enforcement $8,150,000
Personal Services:

Salaries and Wages ..... ($3,303,000)
Employee Benefits ..... (1,667,000)
Special Purpose:
Air Pollution Maintenance Program ..... (920,000)
Pesticide Control Consolidated ..... (135,000)
Underground Storage Tank Program Standard Compliance Inspections ..... (456,000)
Coastal Zone Management Implementation ..... (122,000)
Hazardous Waste - Resource Conservation Recovery Act ..... (556,000)
Other Special Purpose ..... (991,000)

Total Appropriation, Department of Environmental Protection $429,568,000

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

01-4215	Vital Statistics	$1,100,000
02-4220	Family Health Services	245,186,000
03-4230	Public Health Protection Services	100,604,000
08-4280	Laboratory Services	5,877,000
12-4245	AIDS Services	89,309,000
	Total Appropriation, Health Services	$442,076,000

Personal Services:
Salaries and Wages ..... ($32,997,000)
Employee Benefits ..... (17,038,000)
Materials and Supplies ..... (2,643,000)
Services Other Than Personal ..... (20,346,000)
Maintenance and Fixed Charges ..... (1,051,000)
Special Purpose:
Supplemental Food Program - WIC ..... (737,000)
N.J. Project: Providing a MED Home in a Neighborhood of Services ..... (107,000)
SSDI ..... (65,000)
Women, Infants, and Children (WIC) Farmer's Market Nutrition Program ..... (2,200,000)
Early Hearing Detection and Intervention (EHDI) Tracking, Research ..... (21,000)
Coordinated Integrated Initiative ..... (1,755,000)
Senior Farmers Market Nutrition Program ..... (400,000)
USDA Incentive Program ..... (144,000)
Maternal and Child Health (MCH) Early Childhood Comprehensive System ..... (140,000)

Child Nutrition Program - Inspection Services ..... (68,000)
Strengthening Public Health Infrastructure ..... (96,000)
Environmental Health Education ..... (161,000)
Health Program for Indochinese Refugees ..... (27,000)
Adult Blood Lead Surveillance ..... (12,000)
Adult Viral Hepatitis Prevention ..... (31,000)
Public Employees Occupational Safety and Health - State Plan ..... (244,000)
Surveillance of Hazardous Substance Emergency Events . (113,000)
National Cancer Prevention and Control - Public Health ..... (1,508,000)
Pandemic Influenza Healthcare Preparedness ..... (1,935,000)
National Violent Death Reporting System ..... (16,000)
H1N1 Public Health Emergency Response ..... (18,404,000)
Fundamental & Expanded Occupational Health ..... (596,000)
West Nile Virus - Laboratory ..... (190,000)
Tuberculosis Control Program ..... (8,000)
Clinical Laboratory Improvement Amendments Program . (123,000)
Emergency Preparedness for Bioterrorism - Laboratories ... (99,000)
Food Emergency Response Network - E. Coli in Ground Beef ..... (103,000)
HIV/AIDS Events Without Care in New Jersey ..... (30,000)
Enhanced HIV/AIDS Surveillance - Perinatal ..... (139,000)
Minority AIDS Initiatives ..... (24,000)
Other Special Purpose ..... (11,331,000)
State Aid and Grants:
Preventative Health and Health Services Block Grant .... (2,000,000)
Supplemental Food Program - WIC ..... (121,070,000)
State Office of Rural Health ..... (190,000)
New Jersey Cancer Education & Early Detection (NJ CEED) ..... (219,000)
New Jersey Personal Responsibility Education Program (1,410,000)
Abstinence Education - Family Health Services (FHS) .... (853,000)
Asthma Surveillance and Coalition Building ..... (444,000)
Universal Newborn Hearing Screening ..... (80,000)
National Cancer Prevention and Control ..... (2,629,000)
Commodity Supplemental Food Program ..... (200,000)
Genetic Services Project ..... (400,000)
Tobacco Age of Sale Enforcement (TASE) ..... (307,000)
West Nile Virus- Public Health ..... (1,491,000)
BioSense 2.0 ..... (168,000)
Strengthening Public Health Infrastructure ..... (157,000)
Immunization Project ..... (2,921,000)
Emergency Preparedness for Bioterrorism ..... (15,742,000)

Expanded and Integrated HIV Testing.....(1,470,000)
Capacity Building Initiative for AIDS Drug Assistance
Grantee Sites.....(95,000)
Federal Lead Abatement Program.....(8,000)
State Aid and Grants.....(172,321,000)
Additions, Improvements and Equipment.....(2,999,000)

22 Health Planning and Evaluation

06-4260 Long Term Care Systems..... $19,225,000
07-4270 Health Care Systems Analysis..... 236,200,000
Total Appropriation, Health Planning and Evaluation..... $255,425,000
Personal Services:
Salaries and Wages.....($6,896,000)
Employee Benefits.....(3,496,000)
Materials and Supplies.....(73,000)
Services Other Than Personal.....(507,000)
Maintenance and Fixed Charges.....(1,069,000)
Special Purpose:
Long Term Care - Medicaid.....(1,069,000)
Implement Patient Safety Act.....(200,000)
Nurse Aide Certification Program.....(1,000,000)
HCSA_Medicaid.....(1,000,000)
Other Special Purpose.....(5,047,000)
State Aid and Grants:
State Office of Rural Health.....(200,000)
Graduate Medical Education.....(50,000,000)
State Aid and Grants.....(184,300,000)
Additions, Improvements and Equipment.....(568,000)

25 Health Administration

99-4210 Administration and Support Services..... $5,277,000
Total Appropriation, Health Administration..... $5,277,000
Personal Services:
Salaries and Wages.....($680,000)
Employee Benefits.....(310,000)
Materials and Supplies.....(30,000)
Services Other Than Personal.....(700,000)
Special Purpose:
Strengthening Public Health Infrastructure Grant.....(220,000)
Strengthening Public Health Infrastructure Grant.....(220,000)
Immunization Program.....(1,412,000)
New Jersey's Reducing Health Disparities Initiative.....(160,000)
Other Special Purpose.....(233,000)
State Aid and Grants:

Preventative Health and Health Services Block Grant..... (841,000)
State Aid and Grants..... (471,000)

Total Appropriation, Department of Health..... $702,778,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health and Addiction Services

08-7700 Community Services $15,702,000
09-7700 Addiction Services..... 47,954,000
10-7710 Patient Care and Health Services..... 13,904,000
10-7720 Patient Care and Health Services..... 10,127,000
10-7740 Patient Care and Health Services..... 14,276,000
99-7710 Administration and Support Services 5,656,000
99-7720 Administration and Support Services 3,123,000
99-7740 Administration and Support Services 5,914,000
Total Appropriation, Mental Health and Addiction Services.... $116,656,000
Personal Services:
Salaries and Wages ..... ($52,040,000)
Employee Benefits ..... (31,000)
Materials and Supplies..... (3,308,000)
Services Other Than Personal..... (4,262,000)
Maintenance and Fixed Charges..... (1,036,000)
Special Purpose:
Mental Health Preparedness Activities Bioterrorism ..... (2,000)
Other Special Purpose ..... (5,000)
State Aid and Grants:
Substance Abuse Block Grant..... (32,117,000)
State Aid and Grants..... (23,578,000)
Additions, Improvements and Equipment ..... (277,000)

24 Special Health Services

21-7540 Health Services Administration and Management $247,317,000
22-7540 General Medical Services..... 5,652,823,000
Total Appropriation Special Health Services..... $5,900,140,000
Personal Services:
Salaries and Wages ..... ($24,486,000)
Materials and Supplies..... (98,000)
Services Other Than Personal..... (8,471,000)
Maintenance and Fixed Charges..... (1,931,000)
Special Purpose:
Payments to Fiscal Agents ..... (70,631,000)
Professional Standards Review Organization -
Utilization Review..... (862,000)

Drug Utilization Review Board - Administrative Costs.....(23,000)
Electronic Health Records Provider Incentive
Payments .....(125,645,000)
(HIT) Implementation.....(5,661,000)
NJ KidCare- Administration .....(4,000,000)
NJ KidCare B-C-D - Administration .....(5,290,000)
Family Care III.....(47,550,000)
State Aid and Grants:
Payments for Medical Assistance Recipients -
Adult Mental Health.....(29,349,000)
Hospital Mental Health Offset Payments.....(12,327,000)
Payments for Medical Assistance Recipients -
ICR/MR.....(3,458,000)
Payments for Medical Assistance Recipients -
Inpatient Hospital .....(214,652,000)
Payments for Medical Assistance Recipients -
Prescription Drugs.....(33,073,000)
Payments for Medical Assistance Recipients -
Outpatient Hospital.....(74,046,000)
Payments for Medical Assistance Recipients-
Physician Services.....(31,880,000)
Payments for Medical Assistance Recipients -
Medicare Premiums.....(174,979,000)
Payments for Medical Assistance Recipients -
Psychiatric Hospital.....(6,503,000)
Payments for Medical Assistance Recipients -
Clinic Services.....(88,707,000)
Payments for Medical Assistance Recipients -
Transportation Services .....(48,530,000)
Payments for Medical Assistance Recipients -
Other Services .....(1,577,000)
Home Health Background Checks - Title XIX federal
matching funds .....(1,800,000)
Eligibility Determination Services.....(12,993,000)
Health Benefit Coordination Services.....(14,384,000)
Managed Care Initiative.....(2,184,477,000)
State Aid and Grants .....(2,672,538,000)
Additions, Improvements and Equipment .....(219,000)

26 Division of Aging Services

20-7530 Medical Services for the Aged $1,382,992,000
55-7530 Programs for the Aged 50,720,000
57-7530 Office of the Public Guardian..... 2,600,000
Total Appropriation, Division of Aging Services..... $1,436,312,000

Personal Services:
Salaries and Wages ..... ($13,937,000)
Employee Benefits ..... (3,239,000)
Materials and Supplies ..... (216,000)
Services Other Than Personal ..... (2,185,000)
Maintenance and Fixed Charges ..... (716,000)
Special Purpose:
Administration of US Department of Health and Human Services ..... (5,646,000)
ADM DHS Federal Program - SBUM ..... (1,790,000)
Elder Abuse - Older Americans Act Title III ..... (163,000)
Empowering Older People to Take More Control of Their Health ..... (193,000)
Other Special Purpose ..... (2,712,000)
State Aid and Grants:
Alternate Family Care ..... (1,000,000)
Comprehensive Personal Care ..... (7,500,000)
Global Budget for Long Term Care ..... (112,932,000)
Counseling on Health Insurance for Medicare Enrollees ... (700,000)
Social Services Block Grant - Senior Services ..... (2,204,000)
Medicaid Match County Offices on Aging ..... (480,000)
Empowering Older People to Take More Control of Their Health ..... (220,000)
State Aid and Grants ..... (1,280,120,000)
Additions, Improvements and Equipment ..... (359,000)

27 Disability Services

27-7545 Disability Services $11,885,000
Total Appropriation, Disability Services $11,885,000
Personal Services:
Salaries and Wages ..... ($780,000)
Materials and Supplies ..... (4,000)
Services Other Than Personal ..... (31,000)
State Aid and Grants ..... (11,070,000)

30 Educational, Cultural, and Intellectual Development
32 Operation and Support of Educational Institutions

01-7601 Purchased Residential Care $357,406,000
02-7601 Social Supervision and Consultation 8,462,000
03-7601 Adult Activities 117,200,000
05-7610 Residential Care and Habilitation Services 16,683,000
05-7620 Residential Care and Habilitation Services 45,886,000
05-7640 Residential Care and Habilitation Services 43,068,000
05-7650 Residential Care and Habilitation Services 61,183,000

05-7660 Residential Care and Habilitation Services 16,404,000
05-7670 Residential Care and Habilitation Services 72,123,000
08-7601 Community Services 20,763,000
99-7601 Administration and Support Services 13,047,000
99-7610 Administration and Support Services 2,775,000
99-7620 Administration and Support Services 2,602,000
99-7640 Administration and Support Services 4,487,000
99-7650 Administration and Support Services 6,352,000
99-7670 Administration and Support Services 4,458,000
Total Appropriation, Operation and Support of Educational Institutions $792,899,000
Personal Services:
Salaries and Wages .....($309,219,000)
Materials and Supplies.....(34,000)
Services Other Than Personal.....(176,000)
Maintenance and Fixed Charges.....(2,000)
State Aid and Grants.....(483,068,000)
Additions, Improvements and Equipment .....(400,000)

33 Supplemental Education and Training Programs

11-7560 Services for the Blind and Visually Impaired..... $11,504,000
99-7560 Administration and Support Services 2,086,000
Total Appropriation, Supplemental Education and Training Programs $13,590,000
Personal Services:
Salaries and Wages .....($7,030,000)
Materials and Supplies.....(60,000)
Services Other Than Personal.....(422,000)
Maintenance and Fixed Charges.....(163,000)
State Aid and Grants.....(5,740,000)
Additions, Improvements and Equipment .....(175,000)

50 Economic Planning, Development, and Security
53 Economic Assistance and Security

15-7550 Income Maintenance Management..... $908,401,000
Total Appropriation, Economic Assistance and Security $908,401,000
Personal Services:
Salaries and Wages .....($12,441,000)
Services Other Than Personal.....(38,841,000)
Special Purpose:
Work First New Jersey Technology Investment - Food Stamps .....(9,000,000)
EBT-Operational Food Stamp Match for CWA's.....(3,098,000)
Work First New Jersey - Benefits Transfer - Operational...(300,000)

Work First New Jersey - Technology Investments ..... (4,900,000)
Work First New Jersey - Technology Investment - TANF/CCDF ..... (1,800,000)
EBT Operational - Child Care ..... (90,000)
EBT Operational - Child Care M&M ..... (345,000)
EBT Operational - Child Care TANF ..... (351,000)
Work First New Jersey- Technology Investments - Title XIX ..... (46,000,000)
Work First New Jersey - Technology Investments - Title IV-D ..... (23,500,000)
State Aid and Grants:
Restricted Grants ..... (200,000)
Faith Based Initiatives ..... (1,055,000)
SSBG CWA Administration TANF Transfer ..... (2,814,000)
State Aid and Grants ..... (763,666,000)

55 Social Services Programs

23-7580 Services for the Deaf $77,000
Total Appropriation, Social Services Programs $77,000
State Aid and Grants ..... ($77,000)

70 Government Direction, Management, and Control
76 Management and Administration

99-7500 Administration and Support Services $26,524,000
Total Appropriation, Management and Administration $26,524,000
Personal Services:
Salaries and Wages ..... ($5,548,000)
Special Purpose:
Child Support Enforcement Program ..... (3,000,000)
Title XIX Medical Assistance ..... (13,260,000)
Refugee Resettlement Program ..... (135,000)
Vocational Rehabilitation Act - Section 120 ..... (581,000)
Food Stamp Program ..... (1,500,000)
Temporary Assistance to Needy Families Block Grant .. (1,731,000)
State Aid and Grants ..... (769,000)

Total Appropriation, Department of Human Services $9,206,484,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

50 Economic Planning, Development, and Security
51 Economic Planning and Development

18-4570 Research and Information $8,895,000
Total Appropriation, Economic Planning and Development $8,895,000
Personal Services:

Salaries and Wages ..... ($4,336,000)
Employee Benefits ..... (2,298,000)
Materials and Supplies ..... (143,000)
Services Other Than Personal ..... (453,000)
Maintenance and Fixed Charges ..... (287,000)
Special Purpose:
Reports and Analysis - Unemployment Insurance ..... (238,000)
E S 202 Covered Employment & Wages ..... (90,000)
Current Employment Statistics ..... (60,000)
Local Area Unemployment Statistics ..... (18,000)
Occupational Employment Statistics ..... (60,000)
Labor Market Information - Es ..... (72,000)
ES Cost Reimbursable Grants - Alien Labor Certification ..... (25,000)
Perm Mass Layoff Plant Closings ..... (15,000)
Redesigned Occupational Safety and Health (ROSH) ..... (5,000)
One Stop Labor Market Information ..... (368,000)
JTPA Title III LMI-PROS ..... (200,000)
Other Special Purpose ..... (57,000)
State Aid and Grants:
JTPA Title III CIDS ..... (62,000)
Additions, Improvements and Equipment ..... (108,000)

53 Economic Assistance and Security

01-4510 Unemployment Insurance $167,566,000
02-4515 Disability Determination 66,771,000
Total Appropriation, Economic Assistance and Security $234,337,000
Personal Services:
Salaries and Wages ..... ($96,899,000)
Employee Benefits ..... (45,908,000)
Materials and Supplies ..... (3,330,000)
Services Other Than Personal ..... (44,800,000)
Maintenance and Fixed Charges ..... (10,300,000)
Special Purpose:
Unemployment Insurance ..... (12,000,000)
Reed Act Improvements ..... (2,000,000)
Employment Security Revenue ..... (1,000,000)
Disability Determination Services ..... (1,800,000)
Old Age and Survivor Insurance Disability
Determination Services ..... (1,000,000)
State Aid and Grants ..... (14,000,000)
Additions, Improvements and Equipment ..... (1,300,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services $54,675,000

09-4545 Employment Services 36,369,000
10-4545 Employment and Training Services 156,000,000
12-4550 Workplace Standards 4,960,000
Total Appropriation, Manpower and Employment Services $252,004,000

Personal Services:
Salaries and Wages ..... ($55,664,000)
Employee Benefits ..... (23,663,000)
Materials and Supplies ..... (865,000)
Services Other Than Personal ..... (7,623,000)
Maintenance and Fixed Charges ..... (5,398,000)
Special Purpose:
Vocational Rehabilitation Act of 1973 ..... (500,000)
Employment Services ..... (250,000)
Disabled Veterans' Outreach Program ..... (596,000)
Local Veterans' Employment Representatives ..... (33,000)
Trade Adjustment Assistance Project ..... (20,000)
Employment Services Grants - Alien Labor Certification ... (55,000)
Work Opportunity Tax Credit ..... (100,000)
Employment Services Cost Reimbursable Grants - Migrant Housing ..... (5,000)
Agricultural Wage Surveys ..... (23,000)
Workforce Investment Act ..... (146,000)
Employment Services Rapid Response Team ..... (75,000)
National Council on Aging - Senior Community Services Employment ..... (10,000)
Workforce Investment Act - Adult and Continuing Education ..... (82,000)
Adult Basic Ed Leadership ..... (1,079,000)
Adult Basic Ed Civics Administration ..... (40,000)
Adult Basic Education Civics Leadership ..... (331,000)
Occupational Safety Health Act-On-Site Consultation ..... (458,000)
Other Special Purpose ..... (212,000)
State Aid and Grants:
Technology Related Assistance Project ..... (550,000)
Adult Basic Ed Non-Admin ..... (10,000,000)
Adult Basic Ed Civics Non Administration ..... (3,200,000)
State Aid and Grants ..... (140,689,000)
Additions, Improvements and Equipment ..... (337,000)

Total Appropriation, Department of Labor and Workforce Development $495,236,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement

06-1200 State Police Operations	$69,231,000
09-1020 Criminal Justice	26,129,000
Total Appropriation, Law Enforcement	$95,360,000

Personal Services:
- Salaries and Wages ($2,443,000)
- Employee Benefits (1,246,000)

Special Purpose:
- Fatality Analysis Reporting System (FARS) (240,000)
- Federal Highway Hazardous Materials Transportation (3,500,000)
- Paul Coverdell National Forensic Science Improvement (500,000)
- Domestic Marijuana Eradication Suppression Program (38,000)
- Domestic Marijuana Eradication Suppression Program (37,000)
- Traffic Officer Field Training (451,000)
- Flood Mitigation Assistance (6,000,000)
- Flood Mitigation Assistance (3,000,000)
- Recreational Boating Safety (3,158,000)
- Recreational Boating Safety (842,000)
- Motor Carrier Safety Assistance Program - New Entrant (2,500,000)
- Internet Crimes Against Children (400,000)
- Using DNA Technology to Identify the Missing (500,000)
- Hazardous Materials Transportation (510,000)
- Pre-Disaster Mitigation - Competitive (5,000,000)
- Repetitive Flood Claim Program - FEMA (2,000,000)
- Severe Repetitive Loss - FEMA (10,000,000)
- NIEHS Worker Health Safety Training (75,000)
- NIEHS Worker Health Safety Training (75,000)
- Incident Command (1,500,000)
- Emergency Management Performance Grant - Non Terrorism (8,500,000)
- High Priority Hazmat Inspection Program (600,000)
- Solving Cold Cases (340,000)
- Port Security - New York/New Jersey (North) (1,500,000)
- Port Security - Delaware Bay (South) (1,500,000)
- D.W.I. Training MAP 21 (665,000)
- Forensic Casework DNA Backlog Reduction (1,400,000)
- Sex Offender Registration and Notification Act (SORNA) (400,000)
- Community Oriented Policing (COPS) Hiring Program (14,000,000)
- Bulletproof Vest Partnership (15,000)

Medicaid Fraud Unit ..... (364,000)
Victim Assistance Grants ..... (11,598,000)
Project Safe Neighborhoods ..... (500,000)
Anti Trafficking Task Force ..... (200,000)
Justice Assistance Grant (JAG) ..... (4,613,000)
Sex Offender Registration and Notification Act (SORNA) Reallocation ..... (500,000)
Justice Information Sharing Solution ..... (500,000)
Victims of Crime Act - Vision 21 ..... (250,000)
Residential Treatment for Substance Abuse ..... (189,000)
Prison Rape Elimination Act - Penalty Award ..... (500,000)
State Aid and Grants ..... (3,211,000)

13 Special Law Enforcement Activities

03-1160 Office of Highway Traffic Safety $36,196,000
Total Appropriation, Special Law Enforcement Activities $36,196,000
Special Purpose:
Federal Highway Safety ..... ($600,000)
Highway Safety - Traffic Records ..... (425,000)
Emergency Services ..... (12,000)
FHWA Program Management ..... (325,000)
Motorcycle Training Program ..... (75,000)
Training Grant - Section 402 ..... (50,000)
Pedestrian Safety Grant ..... (500,000)
Occupant Protection Grant ..... (1,500,000)
Selective Enforcement Management ..... (2,549,000)
Community Traffic Safety ..... (3,500,000)
Occupant Protection ..... (4,000,000)
State Traffic Safety Information System Improvement ..... (5,000,000)
Impaired Driving Countermeasure ..... (9,335,000)
Distracted Driving Incentive ..... (2,000,000)
Motorcycle Safety Grant ..... (600,000)
Graduated Driver Licensing Incentive ..... (1,000,000)
Highway Safety - Alcohol Education and Public Awareness Coordinator ..... (375,000)
Highway Safety - Safety Restraints Program Management ..... (500,000)
Drunk Driver Prevention ..... (1,500,000)
Paid Advertising ..... (300,000)
State Traffic Safety Information System ..... (1,000,000)
Motorcycle Safety ..... (300,000)
Child Safety/Child Booster Seats ..... (750,000)

18 Juvenile Services

34-1500 Juvenile Community Programs $1,734,000
99-1500 Administration and Support Services 931,000
Total Appropriation, Juvenile Services $2,665,000
Personal Services:
Salaries and Wages ..... ($560,000)
Employee Benefits ..... (284,000)
Special Purpose:
IDEA - Handicapped ..... (161,000)
Juvenile Mentoring Programs - Juvenile Justice Initiative ..... (40,000)
Juvenile Aftecare Programs ..... (89,000)
Title I - Part D, Neglected & Delinquent ..... (331,000)
Juvenile Accountability Incentive Block Grant (JAIBG) ..... (700,000)
Juvenile Justice Delinquency Prevention ..... (500,000)

19 Central Planning, Direction and Management

13-1005 Homeland Security and Preparedness $30,817,000
99-1000 Administration and Support Services 4,000,000
Total Appropriation, Central Planning, Direction and Management $34,817,000
Special Purpose:
Homeland Security Grant Program ..... ($8,354,000)
Urban Area Security Initiative (UASI) ..... (21,663,000)
UASI Nonprofit Security Grant Program (NSGP) ..... (800,000)
National Criminal History Program - Office of the Attorney General ..... (4,000,000)

80 Special Government Services
82 Protection of Citizens' Rights

14-1310 Consumer Affairs $200,000
16-1350 Protection of Civil Rights 640,000
19-1440 Victims of Crime Compensation Office 2,500,000
Total Appropriation, Protection of Citizens' Rights $3,340,000
Personal Services:
Salaries and Wages ..... ($340,000)
Special Purpose:
Prescription Drug Monitoring ..... (200,000)
Housing and Urban Development ..... (300,000)
State Aid and Grants ..... (2,500,000)

Total Appropriation, Department of Law and Public Safety $172,378,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

40-3620	New Jersey National Guard Support Services	$35,722,000
99-3600	Administration and Support Services	38,000,000
	Total Appropriation, Military Services	$73,722,000
Personal Services:		
	Salaries and Wages	($8,231,000)
	Employee Benefits	(1,582,000)
Materials and Supplies		(17,412,000)
Services Other Than Personal		(3,657,000)
Maintenance and Fixed Charges		(230,000)
Special Purpose:		
	Dining Facility Operations	(150,000)
	Natural and Cultural Resources Management	(20,000)
	Federal Distance Learning Program	(40,000)
	Army Training and Technology Lab	(4,000)
	Facilities Support Contract	(100,000)
	Atlantic City Air Base - Service Contracts	(60,000)
	McGuire Air Force Base - Service Contract	(30,000)
	Air National Guard Security Agreement - Atlantic City	(53,000)
	Air National Guard Security Agreement - McGuire	(6,000)
	Army National Guard Electronic Security System	(110,000)
	Training Site Facilities Maintenance Agreements	(20,000)
	McGuire Air Force Base Environmental	(30,000)
	Atlantic City Environmental	(33,000)
	Warren Grove Sustainment Restoration & Modernization	(5,000)
	Antiterrorism Program Manager	(4,000)
	Atlantic City Sustainment, Restoration and Modernization	(385,000)
	Armory Renovations and Improvements	(3,484,000)
	New Jersey National Guard Challenge Youth Program	(76,000)
	NJNG Photovoltaic Sea Girt Program	(1,000,000)
	Photovoltaic - MAVA HQ	(3,000,000)
	Sea Girt Regional Training Institute - Construction	(34,000,000)

80 Special Government Services

83 Services to Veterans

20-3630	Domiciliary and Treatment Services	$3,400,000
20-3640	Domiciliary and Treatment Services	5,220,000
20-3650	Domiciliary and Treatment Services	2,429,000
50-3610	Veterans' Outreach and Assistance	600,000
70-3610	Burial Services	10,000,000
	Total Appropriation, Services to Veterans	$21,649,000

Personal Services:
Salaries and Wages ..... ($4,377,000)
Employee Benefits ..... (181,000)
Materials and Supplies ..... (10,000,000)
Special Purpose:
Medicare Part A Receipts for Resident Care and Operational Costs ..... (7,029,000)
Veterans' Education Monitoring ..... (62,000)
Total Appropriation, Department of Military and Veterans' Affairs $95,371,000

74 DEPARTMENT OF STATE

30 Educational, Cultural, and Intellectual Development

36 Higher Educational Services

45-2405 Student Assistance Program $16,784,000
80-2400 Statewide Planning and Coordination for Higher Education 4,170,000
Total Appropriation, Higher Educational Services $20,954,000
Personal Services:
Salaries and Wages ..... ($6,478,000)
Employee Benefits ..... (3,049,000)
Materials and Supplies ..... (473,000)
Services Other Than Personal ..... (5,169,000)
Maintenance and Fixed Charges ..... (1,428,000)
Special Purpose:
Statewide Longitudinal Data Systems Grant ..... (59,000)
Other Special Purpose ..... (230,000)
State Aid and Grants ..... (3,778,000)
Additions, Improvements and Equipment ..... (290,000)

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts $900,000
Total Appropriation, Cultural and Intellectual Development Services $900,000
Special Purpose:
National Endowment for the Arts Partnership ..... ($900,000)

70 Government Direction, Management, and Control

74 General Government Services

01-2505 Office of the Secretary of State $5,230,000
02-2510 Business Action Center $300,000
Total Appropriation, General Government Services $5,530,000
Special Purpose:
Americor Competitive Grants ..... ($500,000)
Foster Grandparent Program ..... (850,000)

Americorps Grants ..... (3,500,000)
State Commission..... (380,000)
State Trade and Export Promotion Pilot Grant Program.... (300,000)

Total Appropriation, Department of State..... $27,384,000

78 DEPARTMENT OF TRANSPORTATION
10 Public Safety and Criminal Justice
11 Vehicular Safety

01-6400 Motor Vehicle Services $1,816,000
Total Appropriation, Vehicular Safety..... $1,816,000
Special Purpose:
Commercial Bus Inspection Unit ..... ($500,000)
Commercial Drivers' License Program..... (1,316,000)

60 Transportation Programs
61 State and Local Highway Facilities

00-6300 Federal Highway Administration $775,591,000
Total Appropriation, State and Local Highway Facilities..... $775,591,000

Federal Highway Administration

Description	County	Amount
ADA Curb Ramp Implementation	Various	($500,000)
Automatic Traffic Management System (ATMS)	Various	(2,000,000)
Berkley Avenue Bridge	Essex	(5,000,000)
Bicycle & Pedestrian Facilities/Accommodations	Various	(5,000,000)
Bloomfield Avenue Bridge over Montclair Line	Essex	(7,450,000)
Bridge Deck/Superstructure Replacement Program	Various	(42,542,000)
Bridge Inspection	Various	(26,100,000)
Bridge Management System	Various	(600,000)
Bridge Preventive Maintenance	Various	(20,000,000)
Bridge Scour Countermeasures	Various	(100,000)
Camden County Bus Purchase	Camden	(100,000)
Church Street Bridge, CR 579	Hunterdon	(600,000)
Commonwealth Avenue (CR 619), Polk Avenue (paper street) to Corsons Inlet Bridge	Cape May	(1,300,000)
County Route 537 Corridor, Section A, NJ Rt. 33 Business and Gravel Hill Road	Monmouth	(500,000)
Crash Reduction Program	Various	(4,850,000)
Culvert Replacement Program	Various	(1,000,000)
DBE Supportive Services Program	Various	(250,000)
Disadvantaged Business Enterprise	Various	(100,000)
Drainage Rehabilitation & Improvements	Various	(5,000,000)

DVRPC, Local ITS Improvements	Various	(1,000,000)
Ferry Program	Various	(2,000,000)
Gloucester County Bus Purchase	Gloucester	(70,000)
Halls Mill Road	Monmouth	(1,000,000)
Highway Safety Improvement Program Planning	Various	(4,000,000)
Intelligent Transportation System Resource Center	Various	(3,000,000)
Intersection Improvement Program (Project Implementation)	Various	(1,000,000)
Job Order Contracting	Various	(10,000,000)
Landis Avenue, Phase II, West Avenue to the Boulevards (CR 615S)	Cumberland	(785,000)
Local Aid Consultant Services	Various	(1,500,000)
Local CMAQ Initiatives	Various	(7,820,000)
Local Preliminary Engineering	Various	(125,000)
Local Project Development Support	Various	(3,900,000)
Local Safety/High Risk Rural Roads Program	Various	(10,000,000)
Median Crossover Protection Contract #12	Various	(10,512,000)
Metropolitan Planning	Various	(24,880,000)
Mobility and Systems Engineering Program	Various	(12,500,000)
Monmouth County Bridges W7, W8, W9 over Glimmer Glass and Debbie's Creek	Monmouth	(3,160,000)
Motor Vehicle Crash Record Processing	Various	(3,500,000)
Oak Tree Road Bridge, CR 604	Middlesex	(600,000)
Ozone Action Program in New Jersey	Various	(40,000)
Pavement Preservation	Various	(13,497,000)
Pedestrian Safety Improvement Program	Various	(4,000,000)
Planning and Research, Federal-Aid	Various	(24,694,000)
Pre-Apprenticeship Training Program for Minorities and Women	Various	(500,000)
Princeton-Hightstown Road Improvements, CR 571	Mercer	(3,300,000)
Rail-Highway Grade Grossing Program, Federal	Various	(10,800,000)
Recreational Trails Program	Various	(1,238,000)
Restriping Program & Line Reflectivity Management System	Various	(15,000,000)
Resurfacing, Federal	Various	(8,000,000)
RideECO Mass Marketing Efforts--New Jersey	Various	(40,000)
Right of Way Full-Service Consultant Term Agreements	Various	(100,000)
RIMIS - Phase II Implementation	Various	(246,000)
River Road Improvements, Cramer Hill	Camden	(3,975,000)
Rockfall Mitigation	Various	(1,000,000)
Safe Corridors Program (Project Implementation)	Various	(2,500,000)

Safe Routes to School Program	Various	(5,587,000)
Sign Structure Rehabilitation/Replacement Program	Various	(3,000,000)
Signs Program, Statewide	Various	(500,000)
SJTPO, Future Projects	Various	(297,000)
South Pemberton Road, CR 530, Phase 2	Burlington	(12,929,000)
Statewide Traffic Operations and Support Program	Various	(23,750,000)
Traffic Monitoring Systems	Various	(12,910,000)
Traffic Signal Replacement	Various	(1,000,000)
Training and Employee Development	Various	(1,000,000)
Transportation Alternatives Program	Various	(11,168,000)
Transportation and Community Development Initiative (TCDI) DVRPC	Various	(80,000)
Transportation and Community System Preservation Program	Various	(4,000,000)
Transportation Demand Management Program Support	Various	(230,000)
Transportation Management Associations	Various	(5,955,000)
Transportation Safety Resource Center (TSRC)	Various	(1,600,000)
Youth Employment and TRAC Programs	Various	(250,000)
Route 1, Business, Brunswick Circle to Lake Drive	Mercer	(4,302,000)
Route 3, over Northern Secondary & Ramp A	Hudson	(1,000,000)
Route 3, Route 46, Valley Road and Notch/Rifle Camp Road Interchange, Contract A	Passaic	(24,892,000)
Route 4, Bridge over Palisade Avenue, Windsor Road and CSX Railroad	Bergen	(2,000,000)
Route 4, Grand Avenue Bridge	Bergen	(1,000,000)
Route 4, Hackensack River Bridge	Bergen	(1,500,000)
Route 4, Jones Road Bridge	Bergen	(1,800,000)
Route 4, Teaneck Road Bridge	Bergen	(700,000)
Route 7, Kearney, Drainage Improvements	Hudson	(2,000,000)
Route 7, Schuyler Avenue to Park Avenue	Bergen, Essex	(500,000)
Route 9, Bridge over Waretown Creek	Ocean	(250,000)
Route 9, Indian Head Road to Central Avenue/ Hurley Avenue, Pavement	Ocean	(6,600,000)
Route 9, Jobs Creek Bridge	Burlington	(800,000)
Route 9, Jones Road to Longboat Avenue	Ocean	(6,250,000)
Route 9/35, Main Street Interchange	Middlesex	(2,000,000)
Route 10, Hillside Avenue (CR 619) to Mt. Pleasant Turnpike (CR 665)	Morris	(400,000)
Route 18, Bridge over Route 1	Middlesex	(14,800,000)

Route 18, NB, North of Route 138 to South of Deal Road, Pavement	Monmouth	(5,300,000)
Route 19, CR 609 to Route 46 and Route 46, Van Houten Avenue to Broad Street, Drainage Improvements	Passaic	(3,330,000)
Route 22, Bloy Street to Liberty Avenue	Union	(2,000,000)
Route 22, Garden State Parkway/Route 82 Interchange Improvements	Union	(1,000,000)
Route 23, Bridge over Pequannock River/Hamburg Turnpike	Morris, Passaic	(5,900,000)
Route 23, Hardyston Township Improvements	Sussex	(3,096,000)
Route 27, Carter's Brook and Ten Mile Run Tributary Culvert Replacement	Somerset, Middlesex	(3,273,000)
Route 27, Grand Street NB Intersection	Union	(400,000)
Route 30, Atco Avenue to Route 206	Camden, Atlantic	(10,570,000)
Route 31, Church Street to River Road	Hunterdon	(600,000)
Route 31/202, Flemington Circle	Hunterdon	(7,380,000)
Route 33, Operational and Pedestrian Improvements, Neptune	Monmouth	(500,000)
Route 34, CR 537 to Washington Avenue, Pavement	Monmouth	(10,763,000)
Route 35, North Lincoln Drive to Navesink River Bridge	Monmouth	(3,000,000)
Route 35, Perth Amboy Connector, Bridge Superstructure Replacement	Middlesex	(12,250,000)
Route 37, Mathis Bridge Eastbound over Barnegat Bay	Ocean	(37,142,000)
Route 40, Atlantic County, Drainage	Atlantic	(900,000)
Route 40, Bailey Street (CR 616) to Route 77	Salem	(1,000,000)
Route 40, Woodstown Intersection Improvements	Salem	(400,000)
Route 46, Passaic Avenue to Willowbrook Mall	Essex, Passaic	(400,000)
Route 46, Route 163 to Water Street (CR 620)	Warren	(4,500,000)
Route 48, Layton Lake Dam	Salem	(12,546,000)
Route 52, Causeway Replacement, Contract A	Cape May	(14,900,000)
Route 55, NB Leaming Mill Road to New York Avenue	Cumberland	(4,000,000)
Route 55, SB Schooner Landing Road to Sherman Avenue	Cumberland	(800,000)
Route 57/182/46, Hackettstown Mobility Improvements	Warren, Morris	(1,000,000)

Route 70, Red Lion Road (CR 685) to Dakota Trail, Pavement	Burlington	(600,000)
Route 72, East Road	Ocean	(500,000)
Route 72, Manahawkin Bay Bridges, Contract 5 - Environmental Mitigation	Ocean	(6,000,000)
Route 76/676, Bridge Deck Replacements	Camden	(35,085,000)
Route 77, Swedesboro-Hardingville Road, Intersection Improvements (CR 538)	Gloucester	(2,840,000)
Route 80, EB, Route 23 to Route 19	Passaic	(850,000)
Route 80, EB, West of Route 280 to East of Two Bridges Road	Morris, Essex, Passaic	(11,100,000)
Route 94, Bridge over Jacksonburg Creek	Warren	(450,000)
Route 130, Hollywood Avenue (CR 618)	Salem	(500,000)
Route 130, Main Street to Route 1	Middlesex	(13,400,000)
Route 130, Plant Street to High Hill Road (CR 662)	Salem, Gloucester	(800,000)
Route 130, Raccoon Creek Bridge Replacement and Pavement Rehabilitation	Gloucester	(30,755,000)
Route 130, Van Sciver Parkway to Potts Mill Road	Burlington	(11,840,000)
Route 130, Westfield Avenue to Main Street	Mercer, Middlesex	(1,000,000)
Route 168, Bridge over Big Timber Creek	Gloucester	(1,500,000)
Route 168, Merchant Street to Ferry Avenue, Pavement	Camden	(1,000,000)
Route 168, Newton Lake Dam	Camden	(9,393,000)
Route 173, Bridge over Pohatcong Creek	Warren	(2,900,000)
Route 202, First Avenue Intersection Improvements	Somerset	(600,000)
Route 202, South of Miller Lane to North of Passaic River, Pavement	Somerset	(4,600,000)
Route 206, Bridge over Clarks Creek and Sleepers Brook	Atlantic	(6,338,000)
Route 206, Crusers Brook Bridge (41)	Somerset	(6,216,000)
Route 206, Whitehorse Circle (CR 533, 524)	Mercer	(500,000)
Route 280, Route 21 Interchange Improvements	Essex, Hudson	(10,000,000)
Route 287, River Road (CR 622), Interchange Improvements	Middlesex	(750,000)
Route 322, Kings Highway (CR 551)	Gloucester	(800,000)

62 Public Transportation

Federal Highway Administration	$227,500,000
Federal Transit Administration	467,450,000
Total Appropriation, Public Transportation	$694,950,000

Description	County	Amount
Federal Highway Administration		
NEC Newark Intermodal	Essex	($500,000)
Perth Amboy Intermodal ADA Improvements	Middlesex	(500,000)
Preventive Maintenance-Bus	Various	(77,000,000)
Preventive Maintenance-Rail	Various	(99,500,000)
Rail Rolling Stock Procurement	Various	(50,000,000)
Federal Transit Administration		
Bus Acquisition Program	Various	($3,151,000)
Bus Support Facilities and Equipment	Various	(1,300,000)
Cumberland County Bus Program	Cumberland	(1,020,000)
Lackawanna Cutoff MOS Project	Morris, Sussex, Warren	(10,111,000)
Light Rail Vehicle Rolling Stock	Various	(6,024,000)
Lyndhurst Intermodal ADA Improvements	Bergen	(2,000,000)
NEC Elizabeth Intermodal Station Improvements	Union	(9,150,000)
NEC Newark Intermodal	Essex	(4,000,000)
Perth Amboy Intermodal ADA Improvements	Middlesex	(9,098,000)
Preventive Maintenance-Bus	Various	(119,529,000)
Preventive Maintenance-Rail	Various	(233,416,000)
Rail Rolling Stock Procurement	Various	(54,112,000)
Section 5310 Program	Various	(7,200,000)
Section 5311 Program	Various	(4,200,000)
SJ BRT/Avandale Park Ride	Camden	(2,000,000)
Small/Special Services Program	Various	(439,000)
Transit Enhancements/Transportation Alternative Program (TAP)/Alternative Transit Improvements (ATI)	Various	(700,000)

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), approval by the Joint Budget Oversight Committee of transfers among federal appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

60 Transportation Programs
64 Regulation and General Management

05-0670 Multimodal Services $11,000,000
Total Appropriation, Regulation and General Management $11,000,000
Special Purpose:
Motor Carrier Safety Assistance Program ..... ($2,600,000)
Airport Fund ..... (1,500,000)
Boating Infrastructure Program (New Jersey Maritime Program) ..... (1,600,000)
Safety Data Improvement Program ..... (300,000)
New Jersey Maritime Program - Ferry Boat ..... (5,000,000)

Total Appropriation, Department of Transportation $1,483,357,000

82 DEPARTMENT OF TREASURY
50 Economic Planning, Development, and Security
52 Economic Regulation

54-2007 Utility Regulation $826,000
56-2014 Energy Resource Management 1,102,000
Total Appropriation, Economic Regulation $1,928,000
Personal Services:
Services Other Than Personal ..... ($1,102,000)
Special Purpose:
Division of Gas Expansion ..... (826,000)

70 Government Direction, Management, and Control
72 Governmental Review and Oversight

08-2066 Office of the State Comptroller $4,453,000
Total Appropriation, Governmental Review and Oversight $4,453,000
Personal Services:
Salaries and Wages ..... ($2,953,000)
Employee Benefits ..... (1,358,000)
Special Purpose:
Medicaid ..... (142,000)

80 Special Government Services
82 Protection of Citizens' Rights

58-2022 Mental Health Advocacy $223,000
81-2097 Elder Advocacy 1,141,000
89-2048 Civil Legal Services for the Poor 1,117,000
Total Appropriation, Protection of Citizens' Rights $2,481,000
Personal Services:
Salaries and Wages ..... ($769,000)
Employee Benefits ..... (297,000)

Special Purpose:
Medicaid Reimbursement .....(223,000)
Ombudsperson - Older Americans Act Title III.....(66,000)
Money Follows the Person Program - Elder Advocacy .....(128,000)
Civil Legal Services for the Poor .....(5,000)
State Aid and Grants.....(993,000)

Total Appropriation, Department of the Treasury $8,862,000

98 THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services

05-9730 Family Courts..... $38,811,000
07-9740 Probation Services..... 78,642,000
11-9760 Trial Court Services..... 4,043,000
Total Appropriation, Judicial Services..... $121,496,000
Personal Services:
Salaries and Wages .....($86,810,000)
Employee Benefits .....(60,000)
Materials and Supplies.....(15,000)
Services Other Than Personal.....(376,000)
Special Purpose:
Child Support and Paternity Program Title IV-D (Family Court).....(13,812,000)
NJ State Court Improvement Grant.....(400,000)
State Access and Visitation Program .....(325,000)
Child Support and Paternity Program Title IV-D (Probation).....(19,698,000)

Total Appropriation, The Judiciary..... $121,496,000

Total Appropriation, Federal Funds..... $15,013,691,000

Notwithstanding the provisions of any State law or regulation to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to the approval of the Director of the Division of Budget and Accounting: emergency disaster aid funds including grants for preventive measures; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25% of unanticipated grant awards, and up to 25% of increases in previously anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency

that are ultimately expended by another executive agency shall not be considered pass-through grants; federal financial aid funds for students attending post-secondary educational institutions in excess of the amount specifically appropriated, and any such grants intended to prevent threats to homeland security up to 100% of previously anticipated or unanticipated grant award amounts for which no State matching funds are required, provided however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of $500,000 or less.

For the purposes of federal funds appropriations, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and "grants" refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The unexpended balances at the end of the preceding fiscal year of federal funds are appropriated for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1 of the current fiscal year of any unexpended balances which are continued.

Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendations of any department head or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the Director deems improper.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, and within the federal matching funding, in the Division of Medical Assistance and Health Services and Division of Disability Services in the Department of Human Services, and within the Medical Services for the Aged program classification, and within the federal matching funding, in the Division of Aging Services in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by federal funds awarded by the U.S. Department of Homeland Security or other federal agency, appropriated in the current fiscal year, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not

awarded. The equipment, goods or services purchased by a local government unit shall be referred to in the grant agreement issued by the State administrative agency administering such funds and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit, the State administrative agency and the Division of Local Government Services in the Department of Community Affairs. Purchases made without public bidding shall be from vendors that shall either (1) be holders of a current State contract for the equipment, goods or services sought, or (2) be participating in a federal procurement program established by a federal department or agency, or (3) have been approved by the State Treasurer in consultation with the New Jersey Domestic Security Preparedness Task Force. All homeland security purchases herein shall continue to be subject to all grant requirements and conditions approved by the State administrative agency. The Director of the Division of Purchase and Property may enter into or participate in purchasing agreements with one or more other states, or political subdivisions or compact agencies thereof, for the purchase of such equipment, goods or services, using monies appropriated under this act, to meet the domestic preparedness and homeland security needs of this State. Such purchasing agreement may provide for the sharing of costs and the methods of payments relating to such purchases. Furthermore, a county government awarding a contract for Homeland Security equipment, goods or services, may, with the approval of the vendor, extend the terms and conditions of the contract to any other county government that wants to purchase under that contract, subject to notice and documentation requirements issued by the Director of the Division of Local Government Services.

Of the amounts appropriated for Income Maintenance Management, amounts may be transferred to the various departments in accordance with the Division of Family Development's agreements, subject to the approval of the Director of the Division of Budget and Accounting. Any unobligated balances remaining from funds transferred to the departments shall be transferred back to the Division of Family Development subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the federal funds hereinabove appropriated, there are appropriated to the appropriate executive agencies, subject to the approval of the Director of the Division of Budget and Accounting, such additional federal funds received during this fiscal year pursuant to any federal law authorizing a federal economic stimulus program or any other similar federal program for the purposes, projects, and programs set forth in such law; provided, however, that if the federal law does not delineate the specific purposes, projects, and programs to be

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funded by the federal funds, the purposes, projects, and programs to be funded by the federal funds shall be subject to the approval of the Joint Budget Oversight Committee, and further provided, however, that the State Treasurer shall report to the President of the Senate, the Speaker of the General Assembly, the Chair of the Senate Budget and Appropriations Committee, and the Chair of the Assembly Budget Committee at least quarterly on the receipt and utilization of all additional federal funds received during this fiscal year pursuant to any federal law authorizing a federal economic stimulus program.

Officials from the appropriate executive agencies are hereby authorized to take such steps, if any, as may be necessary to qualify for, apply for, receive and expend such federal funds and to make such commitments, representations and other agreements as may be required by the federal government to receive federal funds under federal law authorizing the federal economic stimulus program or any other similar federal law. Furthermore, and notwithstanding any other law or regulation to the contrary, officials from the appropriate executive agencies may encumber any of these federal funds appropriated pursuant to this provision prior to entering into any contract, grant or other agreement obligating the federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, federal funds provided under the State Energy Program (SEP) and the Energy Efficiency and Conservation Block Grant Program (Block Grant Program), pursuant to the American Recovery and Reinvestment Act, Pub.L. 111-5 and any other similar type of federal stimulus law which may be hereinafter enacted (collectively referred to as ARRA), are appropriated. Subject to the approval of the Director of the Division of Budget and Accounting as set forth below, such appropriations are to include the administrative costs of the respective agencies in administering the specified programs provided such use is consistent with ARRA and federal approvals. In the event that the administrative costs are not permitted to be paid from the ARRA monies received by the State, there is hereby appropriated from the Clean Energy Fund, subject to the approval of the Director of the Division of Budget and Accounting such sums as shall be necessary to pay for the administrative costs of the agencies administering the specified programs listed below. Notwithstanding the specific appropriations made below, in the event that the federal funds received under ARRA are not in their entirety or in part allocated to the specific purposes listed below, to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of the appropriations listed below or may be used for such other purposes permitted under ARRA subject to the approval of the Director of the Division of Budget and Accounting and upon the recommendation of the State Treasurer. The federal funds provided pursuant to ARRA with respect to the SEP shall be used only for purposes allowed under part D of Title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.), and the federal funds provided pursuant to ARRA with respect to the Block Grant Program shall be used only for implementation of programs authorized under subtitle E of Title V of the Energy Independence and Security Act of

2007 (42 U.S.C. 17151 et seq.). With respect to all federal funds which are appropriated pursuant to this provision, New Jersey Economic Development Authority (NJEDA), New Jersey Housing Mortgage Finance Agency (HMFA), the Office of Energy Savings and the BPU shall prepare and timely submit to the United States Department of Energy (USDOE) the reports required under subsection (c) of section 1512 of Pub.L. 111-5, including without limitation the detailed information required with respect to all projects or activities for which such federal funds were expended or obligated.

a. SEP. SEP monies received by the State under ARRA are hereby appropriated to the Clean Energy Fund and shall be allocated by the Board of Public Utilities (BPU) as follows. The BPU shall enter into memoranda of understanding with the applicable agencies listed below which memoranda of understanding shall provide for the transfer of such monies to the applicable agencies for the purposes listed below.

(1) $14,216,606 to the NJEDA for a grant and loan program to be developed and administered by the NJEDA to fund public and private renewable energy, energy efficiency and alternative energy projects, with applications prioritized based on the ability to create jobs, reduce greenhouse gas emissions, save or create energy, and provide for innovative technology;

(2) $20,187,801 for a program to be developed and administered by the BPU for grants to State departments, agencies, authorities and public colleges and universities for renewable and energy efficiency projects at such entities, including but not limited to, wind, solar, or hydro energy, biofuels, geothermal, and energy storage applications, with applications prioritized by an interagency evaluation team consisting of one representative each from each of the following, BPU, NJEDA, Office of Economic Growth, New Jersey Commission on Science and Technology, and the Office of Energy Savings, based on the ability to create jobs, reduce greenhouse gas emissions, save or create energy, and provide for innovative technology;

(3) $9,110,306.50 to the HMFA for a program to be developed and administered by the HMFA to provide financing for the construction of solar energy projects on qualified multi-family housing financed through the HMFA, such funds to be leveraged with existing State energy rebate programs and the federal investment tax credit, with grants prioritized based on the ability to create jobs, generate energy, provide benefits to property residents and to meet HMFA timeframes, and with HMFA retaining ownership of all related solar renewable energy certificates for the purpose of establishing a revolving fund to support additional solar energy projects at HMFA-supported residential properties;

(4) $1,331,402 to the HMFA for a low-interest loan program to be developed and administered by the HMFA for energy efficiency upgrades at single-family and multi-family facilities that are at or below 250% of the area median income (the higher of statewide or county median income) based on a family of four, and affordable multi-family housing owners which meet HMFA's affordability

requirements, and which are not eligible for equivalent financing programs offered by the utilities or the Clean Energy Program;

(5) $15,500,870.50 to the Clean Energy Program for energy efficiency programs administered by the BPU, to be issued to public and private entities on a first-come, first-served basis and specifically targeting customers who are either not currently eligible for Clean Energy Fund incentives or whose energy consumption patterns do not make them likely applicants;

(6) $6,328,000 to the Office of Energy Savings in the Department of the Treasury for the purposes of energy efficiency and renewable energy programs and projects in State facilities, including State offices, State health facilities and State prisons;

(7) $4,871,651 to the State Energy Office for implementing energy conservation measures in State-owned and operated facilities; and

(8) $2,093,363 for grants administered by the BPU to State departments, agencies, authorities and public colleges and universities for energy efficient equipment purposes which will reduce energy demand and greenhouse gas emissions by replacing aging, energy intense equipment with new, more efficient models.

In the event that any of the SEP monies appropriated pursuant to the preceding paragraph are not expended by the date required by the USDOE, the appropriations of such funds pursuant to the preceding paragraph are hereby cancelled, and such unexpended funds are hereby appropriated, subject to the approval of the USDOE and the Director of the Division of Budget and Accounting to the New Jersey Department of the Treasury to establish a revolving energy efficiency project fund (Energy Efficiency Project Fund) for the purposes of funding energy efficiency and renewable energy programs and projects in State facilities, including but not limited to State offices, State health facilities and State prisons. The monies appropriated from the Energy Efficiency Project Fund shall be repaid to the Energy Efficiency Project Fund by the department receiving such monies as follows: of the amounts hereinabove appropriated in this Act to each department receiving monies from the Energy Efficiency Project Fund, there is hereby appropriated for deposit in the Energy Efficiency Project Fund an amount equivalent to the annual repayment due to the Energy Efficiency Project Fund or the actual savings achieved, whichever is greater.

b. Block Grant Program. Block Grant monies received by the State under ARRA are hereby appropriated as follows:

(1) $4,160,700 to the Office of Energy Savings in the Department of the Treasury for the purposes of energy efficiency and renewable energy programs and projects in State facilities, including State offices, State health facilities and State prisons; and

(2) $10,240,000 to the BPU for grants to cities, counties and other local units of government which are not eligible to receive directly from the federal government funds under the Block Grant Program.

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Labor and Workforce Development shall consider consistent with applicable federal law a formal association of community based organizations to be a "local consortium" for the purposes of receiving funding for the delivery of English as a Second Language or Civics education/training.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred among accounts in the Children's System of Care Services program classification. Amounts may also be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Children's System of Care Services program classification in the Department of Children and Families. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, in order to permit flexibility in the management of federal grant funds, amounts appropriated or transferred from such federal funds to State departments as subgrantees of other State departments may be transferred back to an item of appropriation in the original grant recipient department upon completion of the funded activity, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, the federal funds hereinabove appropriated to the Department of Transportation are subject to the following condition: in order to ensure the continued flow of necessary federal funds for important State and local transportation projects, in the event the Federal Highway Administration (FHWA) objects to the form of the department's request for submission of competitive bids or to the form or contents of related grant agreements funded with federal funds, the department shall make any changes to such requests or contracts as may be determined by the FHWA to be necessary to comply with federal law; and any other department, agency or authority affected by such action is required to take any further actions required in order for it to be in accordance with the changes required by FHWA.

Grand Total Appropriation, All Funds..... $49,146,981,000

2. All dedicated funds are hereby appropriated for their dedicated purposes. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received, receivable or estimated to be received for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein. The unexpended bal-

ances at the end of the preceding fiscal year of such funds, or any portion thereof, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. In the event a person or entity wishes to make a monetary donation to the State for a particular purpose, the head of the State agency or department to which such monetary donation is made is hereby authorized to accept such monetary donation

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: amounts required to refund amounts credited to the State Treasury which do not represent State revenue; amounts received representing insurance to cover losses by fire and other casualties and the unexpended balance at the end of the preceding fiscal year of such amounts; amounts received by any State department or agency from the sale of equipment, when such amounts are received in lieu of trade-in value in the replacement of such equipment; and amounts received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, amounts required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such amounts as may be required to pay interest liabilities to the federal government as required by the Treasury/State agreement pursuant to the provisions of the "Cash Management Improvement Act of 1990," Pub. L. 101-453 (31 U.S.C. s.6501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

7. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from interest earnings of the various bond funds such amounts as may be necessary for the State to comply with the federal "Tax Reform Act of 1986," Pub. L. 99-514 (26 U.S.C. s.1 et seq. as amended), which requires issuers of tax-exempt debt obligations to rebate any arbitrage earnings to the federal government.

8. There are appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting, such amounts as are necessary to pay interest, at the average rate of earnings during the fiscal year from the State's general investments, to those bond funds that have borrowed money from the General Fund or other bond funds and that have insufficient resources to accrue and pay the interest expense on such borrowing.

9. In addition to the amounts appropriated hereinabove, such additional amounts as may be necessary are appropriated to fund the costs of the collection of debts, taxes and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting.

10. There are appropriated from the Legal Services Fund established pursuant to section 6 of P.L.1996, c. 52 (C.22A:2-51), for transfer to the General Fund as State revenue such amounts as are necessary to support the appropriations for the following programs contained in this Act: Legal Services of New Jersey grant, ten judgeships in the Judiciary, and for Clinical Legal Programs for the Poor at the Rutgers-Camden Law School, the Rutgers-Newark Law School, and Seton Hall Law School.

11. The unexpended balances at the end of the preceding fiscal year in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

12. The unexpended balances at the end of the preceding fiscal year in the Capital Construction accounts for all departments and agencies are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

13. Unless otherwise provided, unexpended balances at the end of the preceding fiscal year in accounts of appropriations enacted subsequent to April 1 of the preceding fiscal year, are appropriated.

14. The unexpended balances at the end of the preceding fiscal year in accounts that are funded by Interfund Transfers are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

15. Notwithstanding any provisions in this act or the provisions of any law or regulation to the contrary, no unexpended balances at the end of the preceding fiscal year are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision. The Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of those instances in which unexpended balances are not appropriated pursuant to this section.

16. The administrative costs of the Special Education Medicaid Initiative (SEMI) and the Medicaid Administrative Claiming (MAC) program, including the participation of a consultant, are appropriated and shall be paid from the revenue received, subject to the approval of the Director of the Division of Budget and Accounting.

17. The following transfer of appropriations rules are in effect for the current fiscal year:

a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, appropriation source, and program code, unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following

transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than $300,000, to or from any item of appropriation;

(2) Requests for the transfer of State and other nonfederal funds, in amounts greater than $50,000, to or from any Special Purpose account, as defined by major object 5, or Grant account, as defined by major object 6, within an item of appropriation, from or to a different item of appropriation;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than $50,000, to or from any Special Purpose or Grant account in which the identifying organization code, appropriation source, and program code, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(4) Requests for the transfer of State funds, in amounts greater than $50,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than $300,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item, as defined by the program class;

(6) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (4) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance, subject to the approval of the Director of the Division of Budget and Accounting. However, an amount from any appropriation for an item of capital

improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than $300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative or Judicial branches of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency or necessity under the Other Interdepartmental Accounts program classification and transfers from the appropriations to the various accounts in the category of Salary Increases and Other Benefits, both in the Interdepartmental Accounts, shall not be subject to legislative approval or disapproval.

18. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefore, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

19. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Message and Recommendations that were proposed for this fiscal year.

20. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Telecommunications, and Related Services and Equipment shall be available to pay for any of these services or equipment without the review of the Office of Information Technology, and compliance with statewide policies and standards and an approved department Information Technology Strategic Plan.

21. If the amount provided in this act for a State Aid payment pursuant to formula is insufficient to meet the full requirements of the formula, all recipients of State Aid shall have their allocation proportionately reduced, subject to the approval of the Director of the Division of Budget and Accounting.

22. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and the director is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be

charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be that officer's duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

23. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as salary increases and other benefits, employee benefits, debt service, rent, telephone, data processing, motor pool, insurance, travel, postage, lease payments on equipment purchases, additions, improvements and equipment, and compensation awards, to credit or transfer to the Department of the Treasury, to an Interdepartmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated or credited thereto, such amounts as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source, or to reimburse the Department of the Treasury, an Interdepartmental account, or the General Fund for reductions made representing statewide savings in the above expense classifications, as the director shall determine. With respect to payment of expenses classified as utilities and maintenance contracts, the Director is empowered and it shall be the Director's duty in the disbursement of funds to credit or transfer to the Department of the Treasury, to an Interdepartmental account, or to the General Fund, as applicable, from any other department or non-State fund source, but not from the Legislature or the Judiciary, out of funds appropriated or credited thereto, such amounts as may be required to cover the costs of such payment attributable to such other department or non-State fund source, or to reimburse the Department of the Treasury, an Interdepartmental account, or the General Fund for reductions made representing statewide savings in these expense classifications, as the director shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

24. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such amounts as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster. In addition, there are appropriated such additional amounts as may be necessary for emergency repairs and reconstruction of State facilities or property, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee. Appropriations referred to the Joint Budget Oversight Committee shall be deemed approved, unless a resolution of disapproval is adopted within 10 working days of receipt of notification of the proposed appropriation.

25. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

26. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

27. Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Property Tax Relief Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

28. Notwithstanding the provisions of any law or regulation to the contrary, should appropriations in the Casino Revenue Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund unreserved, undesignated fund balances into the Casino Revenue Fund, providing unreserved, undesignated fund balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

29. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), amounts appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Sea Grant Consortium as if it were a State government agency pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10).

30. Out of the amounts hereinabove appropriated, the Director of the Division of Budget and Accounting is empowered to approve payment of obligations applicable to prior fiscal years, upon the written recommendation of any department head, or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the Director deems improper.

31. Whenever any county, municipality, school district, college, university, or a political subdivision thereof withholds funds from a State agency, or causes a State agency to make payment on behalf of a county, municipality, school district, college, university or a political subdivision thereof, then the Director of the Division of Budget and Accounting may withhold State aid or grant payments and transfer the same as payment for such funds, as the Director of the Division of Budget and Accounting shall determine.

32. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof.

33. The Director of the Division of Budget and Accounting may, upon application therefore, allot from appropriations made to any official, department, commission or board, an amount to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefore, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefore from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

34. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer amounts sufficient to pay any obligation due and owing in any other department or agency.

35. Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer may transfer from any fund in the State Treasurer's custody, deposited with the State Treasurer pursuant to law, sufficient amounts to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds established pursuant to statutes that provide for interest earnings to accrue to those funds, all such transfers shall be without interest. If the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments and such amounts as are necessary shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

36. Any qualifying State Aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unreserved, undesignated fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

37. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding $4,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding $4,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

38. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General

Fund; provided, however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

39. Notwithstanding the provisions of any law or regulation to the contrary, each local school district that participates in the Special Education Medicaid Initiative (SEMI) shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30. The impact of federal claim adjustments may be charged against current year revenue disbursements, subject to the approval of the Director of the Division of Budget and Accounting.

40. Notwithstanding the provisions of any law or regulation to the contrary, each local school district that participates in the Medicaid Administrative Claiming (MAC) initiative shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30.

41. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be $.31 per mile.

42. State agencies shall prepare and submit a copy of their agency or departmental budget requests for the next ensuing fiscal year to the Director of the Division of Budget and Accounting by the deadline and in the manner required by the Director. In addition, State agencies shall prepare and submit a copy of their spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, and updated spending plans on February 1 and May 1 of this fiscal year. The spending plans shall account for any changes in departmental spending which differ from this appropriations act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

43. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for non-State Funds, and accompanying project proposals or grant applications, which require a State match and that may commit or require State support after the grant's expiration.

44. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund in the implementation of this annual appropriations act, there are appropriated from the General Fund such amounts as may be required to pay the principal of and interest on tax and

revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth hereinabove. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such amounts as may be required to pay the principal of those short-term notes.

45. The State Treasurer is authorized to issue short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution, and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. The State Treasurer shall give consideration to New Jersey-based vendors in entering into such contracts. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

46. Notwithstanding the provisions of section 29 of P.L.1983, c.303 (C.52:27H-88), or any law or regulation to the contrary, interest earned in the current fiscal year on balances in the Enterprise Zone Assistance Fund, shall be credited to the General Fund.

47. There is appropriated $300,000 from the Casino Simulcasting Fund for transfer to the Casino Revenue Fund.

48. In all cases in which language authorizes the appropriation of additional receipts not to exceed a specific amount, and the specific amount is insufficient to cover the amount due for fringe benefits and indirect costs, there are appropriated from receipts such additional amounts as are required to fully cover the amount due for fringe benefits and indirect costs, subject to the approval of the Director of the Division of Budget and Accounting.

49. There are appropriated, from receipts derived from any structured financing transaction, such amounts as may be necessary to satisfy any obligation incurred in connection with any structured financing agreement, subject to the approval of the Director of the Division of Budget and Accounting. In addition, there are appropriated such amounts as may be necessary to pay costs incurred in connection with any proposed structured financing transaction, subject to the approval of the Director of the Division of Budget and Accounting.

50. Notwithstanding the provisions of any departmental language or statute, receipts in excess of those anticipated or appropriated as provided in the Departmental Revenue Statements (BB-103s) in the budget submission for this fiscal year are not available for expenditure until a comprehensive expenditure plan is submitted to and approved by the Director of the Division of Budget and Accounting.

51. Such amounts as may be necessary are appropriated or transferred from existing appropriations for the purpose of promoting awareness to increase participation in programs that are administered by the State, including but not limited to programs to preserve or promote public health and safety, subject to the approval of the Director of the Division of Budget and Accounting.

52. There are appropriated such additional amounts as may be required to pay the amount of any civil penalty imposed on a State officer, employee or custodian pursuant to section 12 of P.L.2001, c.404 (C.47:1A-11), as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

53. Receipts derived from the provision of copies and other materials related to compliance with section 12 of P.L.2001, c.404 (C.47:1A-11), are appropriated for the purpose of offsetting agency and departmental expenses of complying with the public access law, subject to the approval of the Director of the Division of Budget and Accounting.

54. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Universal Service Fund $65,705,000 for transfer to the General Fund as State revenue.

55. Any qualifying State Aid or Grants-In-Aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Casino Revenue Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unreserved, undesignated fund balance in the Casino Revenue Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

56. In recognition of the complex, ongoing transfers and transformational activities being undertaken to implement terms and conditions of the "New Jersey Medical and Health Sciences Education Restructuring Act" P.L.2012, c.45 (C.18A:64M-1 et al.), any institution affected by the implementation of the act which experiences an unanticipated increase in the number of positions, not supported by outside income, directly attributable to the implementation of the act may request approval for additional State funded positions for the purpose of determining State support of fringe benefits. The Director of the Division of Budget and Accounting may, upon a determination that such an increase is warranted, approve the request, provided however, that the director shall not approve more than an aggregate total of 100 additional State funded positions among the affected institutions.

57. In addition to the amounts herein appropriated for University Hospital, there are appropriated such additional sums as are necessary to maintain the core operat-

ing functions of the hospital, subject to the approval of the Director of the Division of Budget and Accounting.

58. The amounts hereinabove appropriated for the University Behavioral Healthcare Centers (UBHC) - Rutgers, the State University - Newark and Piscataway are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care, and, as a condition for such appropriation, Rutgers, the State University - New Brunswick shall be required to provide fiscal reports to the Division of Mental Health and Addiction Services and the Office of the State Comptroller, including all applicable expenses incurred for programs supported in whole or in part with the above appropriations, as well as all applicable revenues generated from the provision of such program services, as well as any other revenues used to support such services, in such a format and frequency as required by the Division of Mental Health and Addiction Services. In addition, the annual audit report and Consolidated Financial Statements for Rutgers, the State University - New Brunswick must include supplemental schedules of Statements of Net Assets and Statements of Revenue, Expenses and Changes in Net Assets for the two UBHC Centers separately and UBHC as a whole.

59. With the exception of disproportionate share hospital revenues that may be received, federal and other funds received for the operation of the University Behavioral Healthcare Centers at Newark and Piscataway are appropriated to Rutgers, the State University - New Brunswick for the operation of the centers.

60. Provided that each of the contributions made during the current fiscal year by University Hospital, Rutgers, the State University and Rowan University and each of their affiliates to the University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund or the Rowan University Self-Insurance Reserve Fund, respectively, are equal to the respective amounts established in memoranda of agreements between the Department of the Treasury and each of University Hospital, Rutgers, the State University and Rowan University and, if after such amounts having been contributed, the receipts deposited within the applicable University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund, and the Rowan University Self-Insurance Reserve Fund, respectively, are insufficient to pay claims expenditures, there are appropriated from the General Fund to the applicable University Hospital Self-Insurance Reserve Fund, the Rutgers University Self-Insurance Reserve Fund or the Rowan University Self-Insurance Reserve Fund such amounts as may be necessary to pay the remaining claims for the respective institutions, subject to the approval of the Director of the Division of Budget and Accounting.

61. In addition to any amounts hereinabove appropriated to pay debt service on bonds, notes and other obligations by the various independent authorities, payment of which is to be made by the State subject to appropriation pursuant to a contract with the State Treasurer or pursuant to a lease with a State department, there are hereby appropriated such additional amounts as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts or leases, as applicable.

62. Such amounts as may be required to initiate the implementation of information systems development or modification during the current fiscal year to support fees, fines or other revenue enhancements, or to initiate cost savings or budget efficiencies that are to be implemented during the subsequent fiscal year, and that are proposed in the Governor's Budget Message and Recommendations for the subsequent fiscal year, shall be transferred between appropriate accounts, subject to the approval of the Director of the Division of Budget and Accounting.

63. Notwithstanding the provisions of any law or regulation to the contrary, no funding shall be provided by any program supported in part or in whole by State funding for erectile dysfunction medications for individuals who are registered on New Jersey's Sex Offender Registry.

64. For the purposes of the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H-24 et seq.), the amounts appropriated to the developmental centers in the Department of Human Services due to opportunities for increased recoveries, amounts carried forward in the State Employees' Health Benefits accounts, and amounts representing balances deemed available in the State Health Benefits Fund shall be deemed a "Base Year Appropriation" and, notwithstanding the provisions of P.L.1990, c. 94 or any other law or regulation to the contrary, in recognition of the historically unprecedented pension payments being made and required to be made by the State, and consistent with the budget cap methodology applicable to New Jersey municipalities, for purposes of calculating the maximum annual appropriation for direct state services, the term "appropriations" shall not include amounts appropriated for State contributions to the pension systems. If funding included in this Act for Salary Increases and Other Benefits - Executive Branch is less than $68,037,000, there is appropriated sufficient funding to total $68,037,000. For the purposes of the "State Appropriations Limitation Act," P.L.1990, c.94 (C.52:9H-24 et seq.), any funding provided less than $68,037,000 shall be deemed a "Base Year Appropriation".

65. The amounts hereinabove appropriated for employee fringe benefits in Interdepartmental Direct State Services and Grants-In-Aid; Department of Education State Aid; and Department of the Treasury State Aid may be transferred between accounts for the same purposes, as the Director of the Division of Budget and Accounting shall determine.

66. Notwithstanding the provisions of P.L.2004, c.68 (C.34:1B-21.16 et seq.) or any law or regulation to the contrary, funds remaining in the Dedicated Cigarette Tax Revenue Fund at the end of the current fiscal year are appropriated from such fund for transfer to the General Fund as State revenue.

67. Unless otherwise provided in this act, all unexpended balances at the end of the preceding fiscal year that are appropriated by this act are appropriated for the same purpose.

68. Notwithstanding the provisions of section 14 of Article 3 of P.L.1944, c.112 (C.52:27B-23) or any law or regulation to the contrary, copies of the budget message shall be made available to the State Library, public libraries, newspapers and citizens of the State only through the State of New Jersey website.

69. There are appropriated such amounts as are necessary, not to exceed $750,000, to fund costs incurred by the State, including attorneys' costs, in connection with arbitration/litigation relating to claims by participating tobacco manufacturers that they are entitled to reductions in payments they make under the Tobacco Master Settlement Agreement, subject to the approval of the Director of the Division of Budget and Accounting.

70. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as debt service, to credit or transfer among the various departments, as applicable, out of funds appropriated or credited thereto for debt service payments, such amounts as may be required to cover the costs of such payment attributable to debt service or to reimburse the various departments for reductions made representing Statewide savings resulting from bond retirements or defeasances in debt service accounts, as the director shall determine. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

71. The unexpended balances at the end of the preceding fiscal year in accounts that provide matching State funds in the various departments and agencies are appropriated in order to provide State authority to match federal grants that have project periods extending beyond the current State fiscal year.

72. Notwithstanding the provisions of any law or regulation to the contrary, it is not possible in the current fiscal year to appropriate monies to fund all programs authorized or required by statute. As a result, the Governor's Budget Message and Recommendations for the current fiscal year recommended, and the Legislature agrees, that either no State funding or less than the statutorily required amount be appropriated for certain of these statutory programs. To the extent that these or other statutory programs have not received all or some appropriations for the current fiscal year in this Appropriations Act which would be required to carry out these statutory programs, such lack of appropriations represents the intent of the Legislature to suspend in full or in part the operation of the statutory programs, including any statutorily imposed restrictions or limitations on the collection of State revenue that is related to the funding of those programs.

73. Notwithstanding the provisions of section 21 of P.L.1983, c.303 (C.52:27H-80), or any other law or regulation to the contrary, crediting of revenues to each account for each enterprise zone in the Enterprise Zone Assistance Fund shall be reduced by the amount of revenues credited from the General Fund into a special account in the Property Tax Relief Fund pursuant to subparagraph b. of paragraph 7 of Section I of Article VIII of the New Jersey Constitution derived from sales tax collected in such enterprise zone.

74. Notwithstanding the provisions of any other law or regulation to the contrary, there is appropriated as revenue to the General Fund the revenue credited in the current fiscal year to each account for each enterprise zone in the Enterprise Zone Assistance Fund attributable to local projects and the local costs for administering

the Urban Enterprise Zone program, as defined by section 29 of P.L.1983, c.303 (C.52:27H-88). Further, there is appropriated as revenue to the General Fund the unexpended balances in the portion of the Enterprise Zone Assistance Fund designated for the State costs for administering the Urban Enterprise Zone program, as defined by section 29 of P.L.1983, c.303 (C.52:27H-88), subject to the approval of the Director of the Division of Budget and Accounting.

75. Notwithstanding the provisions of section 16 of Article 3 of P.L.1944, c.112 (C.52:27B-25), or any other law or regulation to the contrary, the Director of the Division of Budget and Accounting shall not be required to allot appropriations on a quarterly basis.

76. The funding by a State department in the Executive Branch for a contract for drug screening tests or other laboratory screening tests shall be conditioned upon the following provision: the State department as part of the contract procurement and award process shall notify the Department of Health (DOH) of the proposed contract and provide an opportunity for DOH to submit a proposal, provided, however, the State department shall not be required to make the award to DOH if DOH is the lowest bidder as factors other than cost may be considered in the evaluation of the proposals, subject to the approval of the Director of the Division of Budget and Accounting.

77. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey Real Estate Commission, Civil Service Commission, New Jersey Maritime Pilot and Docking Pilot Commission, State Athletic Control Board, Public Employment Relations Commission and Appeal Board, New Jersey State Board of Mediation, New Jersey Racing Commission, Council on Local Mandates, Garden State Preservation Trust, the various State professional boards, the Certified Psychoanalysts Advisory Committee and the Audiology and Speech-Language Pathology Advisory Committee in the Department of Law and Public Safety, shall be subject to the following conditions: 1) the base salary, per diem salary, or any other form of compensation, including that for expenses, for the board members or commissioners paid for out of State funds shall not exceed $100 per month; and 2) no State funds shall be used to pay for participation in the State Health Benefits Program by board members or commissioners. No other compensation shall be paid; provided, however, that this paragraph shall not apply to the Commissioner/Chief Executive Officer of the State Athletic Control Board, the Chairperson/Chief Executive Officer of the Civil Service Commission, the Chairman of the Public Employment Relations Commission, and any commissioner or board member of any other State board, commission or independent authority who, in addition to being a member of the board or commission also hold a full time staff position for such entity.

78. Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated no grant funds shall be paid to a grantee for the costs of any efforts by the grantee or on behalf of the grantee for lobbying activities.

79. Notwithstanding the provisions of subsection c. of section 145 of P.L.1977, c.110 (C.5:12-145) and section 22 of P.L.1970, c.13 (C.5:9-22) or any law or regu-

lation to the contrary, such amounts as are required are appropriated to the State Treasurer to publish via the internet reports accounting for the total revenues received in the Casino Revenue Fund and the State Lottery Fund and the specific amounts of money appropriated therefrom for specific expenditures during the preceding fiscal year ending June 30.

80. Notwithstanding the provisions of any other law or regulation to the contrary, and in furtherance of the purposes of P.L.2010, c.104 (C.48:23-18 et al.), there are hereby appropriated, subject to the approval of the Director of the Division of Budget and Accounting, such amounts as are necessary for the operation of the New Jersey Public Broadcasting Authority (NJPBA) as required by the Federal Communications Commission (FCC) to maintain the FCC licenses owned by the NJPBA, to oversee any agreements with private operators, and to carry out any other duties and responsibilities that the NJPBA has under P.L.2010, c.104 and as the FCC licensee of broadcast stations, including the costs of employees, office space, equipment, consultants, professional advisors including lawyers, and any other costs determined to be necessary to carry out the NJPBA mission under P.L.2010, c.104 consistent with FCC requirements.

81. Notwithstanding the provisions of sections 5 and 6 of P.L.1990, c.44 (C.52:9H-18 and 52:9H-19) or any other law or regulation to the contrary, there may be transferred from the Surplus Revenue Fund to the General Fund an amount up to the credit made to the Surplus Revenue Fund during the immediately preceding fiscal year, subject to the approval of the Director of the Division of Budget and Accounting.

82. Notwithstanding any provision of law or regulation to the contrary, in order to implement the provisions of the Comprehensive Medicaid Waiver as approved on October 2, 2012 by the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS), as well as any amendments or supplements to the Comprehensive Medicaid Waiver (collectively referred to as Waiver): The Commissioner of Human Services shall implement immediately those provisions contained in the Comprehensive Medicaid Waiver approved by the United States Department of Health and Human Services for the Centers for Medicare and Medicaid Services (CMS) and any amendments to such waiver as CMS requires to be implemented pursuant to such waiver and amounts may be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services, the Community and Addictions Services program classifications in the Division of Mental Health and Addiction Services, the Disability Services program classification in the Division of Disability Services, the Purchased Residential Care, Social Supervision and Consultation, and Adult Activities program classifications in the Division of Developmental Disabilities in the Department of Human Services, the Medical Services for the Aged program classification in the Division of Aging Services in the Department of Human Services, the Children's System of Care Services program classification in the Division of Children's System of Care in the Department of Children and Families. A portion of receipts generated or

savings realized in Medical Assistance Grants-In-Aid accounts from Waiver initiatives may be transferred to the Health Services Administration and Management accounts in the Department of Human Services, as determined by the Commissioner of Human Services to be required to fund costs incurred in realizing these additional receipts or savings. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

83. Notwithstanding the provision of any law or regulation to the contrary, the amounts hereinabove appropriated to the Department of Human Services, the Department of Children and Families, and the Department of Health are conditioned upon the following provision: In order to ensure federal participation, the State's Medicaid and NJ FamilyCare programs shall be administered in accordance with the provisions of the State plan(s) or the Comprehensive Medicaid Waiver, as approved by the federal Centers for Medicare and Medicaid Services, that are or were inserted by the Department into the State plan(s) or the Comprehensive Medicaid Waiver in order to comply with Pub.L. 111-148, Pub.L. 111-152 or with any federal regulations adopted pursuant thereto.

84. In order to permit flexibility in the handling of appropriations, to promote the timely and effective implementation of the reorganization of divisions the Departments of Children and Families, Community Affairs, Health, and Human Services, as provided in the FY 2013 Appropriations Act, to ensure that appropriate levels of services are provided, to safeguard continuity of care, and to ensure that timely payments are made to providers, amounts may be transferred to and from the various items of appropriation within the affected program classifications of the above-referenced departments, including but not limited to items of appropriation within the following program classifications: Children's System of Care Services, in the Department of Children and Families; Purchased Residential Care, Social Supervision and Consultation, Addiction Services, and Community Services in the Department of Human Services; and Administration and Support Services in all above-referenced Departments. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

85. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated, to the extent not inconsistent with federal law or regulation, are subject to the following conditions: in recognition of the limited continuing availability of federal American Recovery and Reinvestment Act (ARRA), Pub.L. 111-5, funding during FY 2015 and the pending federal deadlines for spending such funds or else forfeiting them back to the federal government, to the maximum extent possible, all available federal ARRA dollars uncommitted as of the effective date of this act shall be spent first, wherever available, in support of qualifying activities before any appropriated State dollars are expended for the same purpose or purposes; and (2) in the event that ARRA dollars are available for

use in FY2015, the director of the Division of Budget and Accounting may reserve an amount of excess appropriated State funds.

86. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $6,200,000 from the State Recycling Fund to the General Fund as State revenue.

87. This act shall take effect July 1, 2014.

CHAPTER 15

AN ACT TO AMEND AND SUPPLEMENT "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2015 and regulating the disbursement thereof," approved June 30, 2014 (P.L.2014, c.14).

BE IT ENACTED *by the Senate and the General Assembly of the State of New Jersey:*

1. In addition to the language provisions and appropriations made under P.L.2014, c.14, the following language provisions and appropriations are added:

16 DEPARTMENT OF CHILDREN AND FAMILIES
50 Economic Planning, Development, and Security
55 Social Services Programs
GRANTS-IN-AID

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Out-of-Home Placements account is subject to the following condition: amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State may be transferred from the Residential Placements account to the appropriate Child Protection and Permanency Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Out-of-Home Placements, Independent Living and Shelter Care, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.

The amounts hereinabove appropriated for Foster Care, Subsidized Adoption, and Independent Living and Shelter Care are subject to the following condition: any change by the Department of Children and Families in the rates paid for these programs shall be approved by the Director of the Division of Budget and Accounting.

Receipts in the Marriage and Civil Union License Fee Fund in excess of the amount anticipated are appropriated for Domestic Violence Prevention Services.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the current fiscal year are appropriated for resource families and other out-of-home placements.

Receipts from counties for persons under the care and supervision of Child Protection and Permanency are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Purchase of Social Services account, $1,000,000 is appropriated for the programs administered under the "New Jersey Homeless Youth Act," P.L.1999, c.224 (C.9:12A-2 et seq.), and Child Protection and Permanency shall prioritize the expenditure of this allocation to address transitional living services in the division's region that is experiencing the most severe over-capacity.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for Out-of-Home Treatment Services, Care Management Organizations, Youth Incentive Program, Behavioral Assistance and In-Home Community Services, Family Support Services and Mobile Response shall be expended for any individual served by Children's System of Care, with the exception of court-ordered placements or to ensure services necessary to prevent risk of harm to the individual or others, unless that individual makes a full and complete application for Medicaid or NJ FamilyCare, as applicable. Individuals receiving services from appropriations covered by the exceptions above shall apply for Medicaid or NJ FamilyCare, as applicable, in a timely manner, as shall be defined by the Commissioner of Children and Families, after receiving services.

Of the amounts hereinabove appropriated for the School Linked Services Program, there shall be available $400,000 for the After School Reading Initiative, $200,000 for the After School Start-Up Fund, $400,000 for School Health Clinics, and $530,000 for Positive Youth Development.

Of the amount hereinabove appropriated for the Domestic Violence Prevention Services, $1,150,000 is payable out of the Marriage and Civil Union License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced by the amount of the shortfall.

Of the amounts hereinabove appropriated for Substance Abuse Services, an amount not to exceed $10,024,000 shall be transferred to the Department of Human Services Division of Mental Health and Addiction Services to fund the Division of Child Protection and Permanency Child Welfare Substance Abuse Treatment Services contracts as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services Division of Mental Health and Addiction Services, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for the Purchase of Social Services, an amount as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services Division of Family Development shall be transferred to the Department of Human Services Division of Family Development to fund the Post Adoption Child

Care Program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Early Childhood Services, an amount as specified in the Memorandum of Agreement between the Department of Children and Families and the Department of Human Services Division of Family Development shall be transferred to the Department of Human Services Division of Family Development to fund the Strengthening Families Initiative Training Program, subject to the approval of the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred among accounts in the Children's System of Care program classification. Amounts may also be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Children's System of Care program classification in the Department of Children and Families. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice of the Director of the Division of Budget and Accounting's approval shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Of the amounts hereinabove appropriated for Out-of-Home Placements and Independent Living and Shelter Care, such amounts as determined by the Department of Children and Families may be transferred between such accounts to properly align expenditures based upon changes in client placements, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Foster Care and Subsidized Adoption, such amounts as determined by the Department of Children and Families may be transferred between such accounts to address the movement of children from foster care to a permanent adoption setting, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the increases in divorce filing fees enacted in the amendment to N.J.S.22A:2-12 by section 41 of P.L.2003, c.117, are appropriated for transfer to the General Fund as general State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Women's Services, there is allocated to the lead domestic violence agencies in the State and to the New Jersey Coalition for Battered Women the amount appropriated for FY 2014 to those agencies plus $1,840,000 to offset costs of providing core domestic violence services, and there is allocated to the 21 county-based sexual violence service organizations and the New Jersey Coalition Against Sexual Assault the amount appropriated for FY 2014 to those agencies plus $400,000 to offset the costs of providing direct services for victims of sexual violence.

82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management, and Control
73 Financial Administration
DIRECT STATE SERVICES

Receipts from the sale of confiscated equipment, materials, and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) are appropriated as may be necessary for confiscation, storage, disposal, and other related expenses thereof.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

Such amounts as are required for the acquisition of equipment essential to the modernization of processing tax returns, are appropriated from tax collections, subject to the approval of the Joint Budget Oversight Committee and the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Division of Taxation and the Division of Revenue and Enterprise Services to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to the provisions of section 12 of P.L.1992, c.165 (C.40:54D-12) there are appropriated such amounts as may be required to compensate the Department of the Treasury for costs incurred in administering the "Tourism Improvement and Development District Act," P.L.1992, c.165 (C.40:54D-1 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, there are available out of fees from the cost of collection imposed pursuant to section 8 of P.L.1987, c.76 (C.54:49-12.1) such amounts as may be required for compliance and enforcement activities associated with the collection process as promulgated by the Taxpayers' Bill of Rights under P.L.1992, c.175.

In addition to the amounts hereinabove appropriated for Taxation Services and Administration, such additional amounts as may be necessary are appropriated to fund costs of the collecting and processing of debts, taxes, and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Joint Budget Oversight Committee with written reports on the detailed appropriation and expenditure of sums appropriated pursuant to this provision.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such amounts as are necessary are appropriated from the Lead Hazard Control Assistance Fund for the De-

partment of the Treasury's administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Dedicated Cigarette Tax Revenue Fund established pursuant to P.L.2004, c.68 (C.34:1B-21.16 et seq.) such amounts as are required under the contract between the Treasurer and the New Jersey Economic Development Authority entered into pursuant to section 6 of P.L.2004, c.68 (C.34:1B-21.21).

Notwithstanding the provisions of any law or regulation to the contrary, receipts from agreements entered into by the Director of the Division of Taxation pursuant to P.L.1992, c.172 (C.54:49-12.2 et seq.) are appropriated as may be necessary for contingency fees stipulated in such agreements and any other related expenses thereof.

Pursuant to the provisions of section 54 of P.L.2002, c.34 (C.App.A:9-78) deposits made to the New Jersey Domestic Security Account are appropriated for transfer to the Department of Health to support medical emergency disaster preparedness for bioterrorism, to the Department of Law and Public Safety for State Police salaries related to Statewide security services and counter-terrorism programs, and to the Department of Agriculture for the Agro-Terrorism program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the State Lottery Fund such amounts as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes, and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from receipts from communications fees such amounts as may be necessary for telecommunications costs required in the administration of the State Lottery.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from receipts from the sale of advertising and/or promotional products by the State Lottery, such amounts as may be necessary for advertising costs required in the administration of the State Lottery pursuant to P.L.1970, c.13 (C.5:9-1 et seq.).

There are appropriated such amounts as are necessary to fund the hospitals' share of monies collected pursuant to the hospital care payment act, P.L.2003, c.112 (C.17B:30-41 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Records Management program is payable from receipts deposited in the New Jersey Public Records Preservation Account.

In addition to the amount hereinabove appropriated for the Division of Revenue and Enterprise Services, there is appropriated to the Division of Revenue and Enterprise Services $4,800,000 from the New Jersey Motor Vehicle Commission for document processing charges.

The Director of the Division of Budget and Accounting is hereby authorized to transfer or credit such amounts as are necessary between the Department of Labor and Workforce Development and the Department of the Treasury for the administration of revenue collection and processing functions related to Unemployment Insurance, Temporary Disability Insurance, Workers' Compensation, Special Compensation Programs, the Health Care Subsidy Fund, and the Workforce Development Partnership program.

The amount hereinabove appropriated for the Wage Reporting/Temporary Disability Insurance program are payable out of the State Disability Benefits Fund, and in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional amounts as may be required to administer revenue collection associated with the Temporary Disability Insurance program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from the over-the-counter surcharges are appropriated to meet the costs of the Division Revenue and Enterprise Services' commercial recording function, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, any receipts from Nextel Corporation in accordance with a Plan Funding Agreement approved by Nextel and the 800 MHz Transition Administrator for costs of rebanding incurred by State agencies, and any local units of government that have entered into a Memorandum of Understanding with the Attorney General authorizing the State to receive Nextel funds on behalf of such local unit, pursuant to Federal Communications Commission-ordered reconfiguration of the 800 MHz band, are appropriated to the Department of the Treasury for costs related to that program. Such amounts shall be expended or transferred to the various departments and agencies to reimburse administrative and procurement costs in accordance with the Plan Funding Agreement and in consultation with the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no monies from the receipts deposited in the New Jersey Public Records Preservation account in the Department of the Treasury are appropriated for grants to counties and municipalities.

Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing and collec-

tion of surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 - Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et seq.) as amended, are appropriated from fees in lieu of actual cost of collection receipts and from surcharges derived, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from New Jersey Public Records Preservation fees, not to exceed $1,300,000, are appropriated for the operations of the microfilm or other storage media unit in the Division of Revenue and Enterprise Services within the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, from receipts from service fees billed to authorities for the handling of investment transactions, such amounts as may be necessary to administer the Management of State Investments program.

Notwithstanding the provisions of any law or regulation to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated such amounts as may be necessary for administrative costs, which shall include bank service charges, investment services, and other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine.

There are appropriated, out of revenues from escheated property under the various escheat acts, such amounts as may be necessary to administer such acts and such sums as may be required for refunds.

2. This act shall take effect July 1, 2014.

Approved June 30, 2014.

CHAPTER 16

AN ACT concerning special occasion events conducted at wineries on preserved farmland that promote agricultural tourism activities and events, and supplementing Title 4 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.4:1C-32.7 Definitions relative to special occasion events conducted at certain wineries.

1. As used in P.L.2014, c.16 (C.4:1C-32.7 et seq.):

"Preserved farmland" means land on which a development easement was conveyed to, or retained by, the State Agriculture Development Committee, a county agriculture development board, a county, a municipality, or a qualifying tax exempt nonprofit organization pursuant to the provisions of section 24 of P.L.1983, c.32 (C.4:1C-31), section 5 of P.L.1988, c.4 (C.4:1C-31.1), section 1 of P.L.1989, c.28 (C.4:1C-38), section 1 of P.L.1999, c.180 (C.4:1C-43.1), sections 37 through 40 of P.L.1999, c.152 (C.13:8C-37 through C.13:8C-40), or any other State law enacted for farmland preservation purposes.

"Special occasion event" means a wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate county agriculture development board, and conducted pursuant to the requirements set forth in subsection a. of section 2 of P.L.2014, c.16 (C.4:1C-32.8).

"Winery" means a commercial farm where the owner or operator of the commercial farm has been issued and is operating in compliance with a plenary winery license or farm winery license pursuant to R.S.33:1-10.

C.4:1C-32.8 Pilot program permitting special occasion events.

2. a. The State Agriculture Development Committee shall establish a pilot program permitting special occasion events to be conducted on preserved farmland at a winery provided that:

(1) the gross income generated by the winery from all special occasion events conducted for the calendar year together account for less than 50 percent of the annual gross income of the winery;

(2) the special occasion event uses the agricultural output of the winery, to the maximum extent practicable, to promote agricultural tourism and advance the agricultural or horticultural output of the winery;

(3) the special occasion event is conducted on a Friday, Saturday, Sunday, or federal or State holiday, except that a special occasion event may be conducted on any other day of the week with the approval of the State Agriculture Development Committee. The committee may delegate its authority in that regard to a county agriculture development board;

(4) the special occasion event is conducted in: (a) a temporary structure, such as an enclosed or open canopy or tent or other portable structure or facility, and any temporary structure would be put in place for only the minimum amount of time reasonably necessary to accommodate the special occasion event; (b) an existing permanent agricultural building; (c) a farm

or open air pavilion; or (d) another structure used in the normal course of winery operations and activities;

(5) the special occasion event complies with applicable municipal ordinances, resolutions, or regulations concerning litter, solid waste, and traffic and the protection of public health and safety;

(6) the winery shall be subject to a site plan review and any applicable development approvals as may be required under an ordinance adopted pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.);

(7) the special occasion event is subject to the noise standards set forth pursuant to the "Noise Control Act," P.L.1971, c.418 (C.13:1G-1 et seq.), and the rules and regulations adopted thereto;

(8) the special occasion event complies with any applicable municipal ordinance that restricts performing or playing music inside the winery's buildings and structures;

(9) the special occasion event ends at a specific time, if required pursuant to a curfew established by a municipal ordinance;

(10) the special occasion event would not knowingly result in a significant and direct negative impact to any property adjacent to the winery; and

(11) the winery hosting a special occasion event enforces State and federal requirements concerning the legal drinking age.

b. In determining the annual gross income of a winery pursuant to this section, the gross income received from any special occasion event shall include, but need not be limited to, admission fees; rental fees; setup, breakdown, and cleaning fees; and all other revenue that is not directly related to the agricultural output of the winery but is received by the winery in conjunction with conducting a special occasion event.

C.4:1C-32.9 Audit to determine compliance; certification of annual gross income.

3. a. (1) A county agriculture development board or the State Agriculture Development Committee may order, and specify the scope of, an audit of the owner or operator of any winery engaged in conducting special occasion events on preserved farmland, for the purpose of determining compliance with section 2 of P.L.2014, c.16 (C.4:1C-32.8). The audit shall be conducted by an independent certified public accountant approved by the board or the committee, and the reasonable costs thereof shall be paid by the owner or operator of the winery. A county agriculture development board, or the committee, may establish a list of independent certified public accountants approved for the purposes of conducting an audit pursuant to

this paragraph. Copies of the audit shall be submitted to the board and the committee.

(2) An owner or operator of a winery engaged in conducting special occasion events on preserved farmland shall not be subject to an audit authorized pursuant to this section more than once per year without good cause demonstrated by the applicable board or the committee.

b. An owner or operator of a winery engaged in conducting special occasion events on preserved farmland shall annually certify to the county agriculture development board that the special occasion events together account for less than 50 percent of the annual gross income of the winery during the prior calendar year, pursuant to paragraph (1) of subsection a. of section 2 of P.L.2014, c.16 (C.4:1C-32.8). The board shall forward the certification of annual gross income to the committee.

c. In conjunction with an audit ordered pursuant to subsection a. of this section, a board or the committee may request, and the winery shall then submit, additional documentation as may be necessary for the board or committee to verify compliance with paragraph (1) of subsection a. of section 2 of P.L.2014, c.16 (C.4:1C-32.8).

C.4:1C-32.10 Violations, penalties.

4. a. An owner or operator of a winery who violates P.L.2014, c.16 (C.4:1C-32.7 et seq.) shall be liable to a civil penalty of up to $1,000 for the first offense, up to $2,000 for the second offense, or up to $3,000 for a subsequent offense, to be collected in a civil action commenced by the State Agriculture Development Committee.

b. In addition to the penalties established pursuant to subsection a. of this section:

(1) for a second offense, the committee shall, after a hearing, suspend the owner or operator of a winery from conducting special occasion events for a period of up to six months;

(2) for a third offense, the committee shall, after a hearing, suspend the owner or operator of a winery from conducting special occasion events for a period of at least six months but not more than one year; and

(3) for a fourth or subsequent offense, the committee shall, after a hearing, suspend the owner or operator of a winery from conducting special occasion events for a period of at least one year but not more than two years.

c. Any penalty imposed pursuant to this section may be collected, with costs, in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court

and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with P.L.2014, c.16 (C.4:1C-32.7 et seq.).

C.4:1C-32.11 Rules, regulations.

5. a. The committee shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary for the implementation of P.L.2014, c.16 (C.4:1C-32.7 et seq.).

b. The committee may adopt, as may be necessary and appropriate, agricultural management practices for the implementation of P.L.2014, c.16 (C.4:1C-32.7 et seq.).

6. This act shall take effect immediately and shall expire on the first day of the forty-fourth month after the date of enactment.

Approved July 2, 2014.

CHAPTER 17

AN ACT concerning accidents involving vessels operating on the waters of this State and supplementing Title 2C of the New Jersey Statutes and amending P.L.1962, c.73.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2C:11-5.2 Leaving scene of boating accident; crime, sentencing.

1. a. Whenever any vessel, as defined in section 2 of P.L.1995, c.401 (C.12:7-71), is involved in an accident upon the waters of this State, and the operator of that vessel knows he is involved in an accident and knowingly leaves the scene of that accident under circumstances that violate the provisions of section 11 of P.L.1962, c.73 (C.12:7-34.46), that operator shall be guilty of a crime of the second degree if the accident results in the death of another person, and shall be guilty of a crime of the third degree if the accident results in serious bodily injury to another person. The presumption of nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to persons convicted under the provisions of this section.

b. If the evidence so warrants, nothing in this section shall be deemed to preclude an indictment and conviction for aggravated manslaughter un-

der the provisions of N.J.S.2C:11-4 or vehicular homicide under the provisions of N.J.S.2C:11-5.

c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other provisions of law, a conviction arising under this section shall not merge with a conviction for aggravated manslaughter under the provisions of N.J.S.2C:11-4 or for vehicular homicide under the provisions of N.J.S.2C:11-5 and a separate sentence shall be imposed upon each such conviction.

d. Notwithstanding the provisions of N.J.S.2C:44-5 or any other provisions of law, when the court imposes multiple sentences of imprisonment for more than one offense, those sentences shall run consecutively.

e. For the purposes of this section, knowledge of the death, knowledge of the serious bodily injury, or knowledge of the violation shall not be elements of the offense and it shall not be a defense that the operator of the vessel was unaware of the death or of the provisions of section 11 of P.L.1962, c.73 (C.12:7-34.46).

2. Section 11 of P.L.1962, c.73 (C.12:7-34.46) is amended to read as follows:

C.12:7-34.46 Accidents involving vessels.

11. (a) Whenever any vessel upon the waters of this State is involved in an accident, it shall be the duty of the operator, so far as he can do so without serious danger to his own passengers, guests, crew, himself or his vessel, to render to all other persons affected by the accident such assistance as may be necessary in order to save them from or to minimize any danger caused by the accident. He shall also give his name, address, and identifying information regarding his vessel to any person injured and to the owner of any property damaged in the accident. Any person who shall violate this subsection shall be fined not less than $200 or more than $400, or be imprisoned for a period of not more than 30 days, or both, for the first offense, and for a subsequent offense, shall be fined not less than $400 or more than $600, or be imprisoned for a period of not less than 30 days or more than 90 days, or both.

(b) Whenever an accident involves any vessel subject to this act and results in the death, disappearance, or injury of any person, or in property damage in excess of the federal standard for filing an accident report as established pursuant to 33 C.F.R. s.173.55, the operator or operators thereof shall file, with the Division of State Police, a full description of the accident, including such information as that division may, by regulation, require

within the times specified in subsection (c) of this section. The Superintendent of State Police shall notify operators, in a manner deemed appropriate, of a change in the federal standard for filing an accident report.

(c) A boating accident that occurs on the waters of this State shall be reported to the Division of State Police by the quickest means of communication possible, if the accident has caused the death or the disappearance of any person; any other reportable boating accident that may result in personal injury or property damage shall be reported within 10 days to the Division of State Police.

(d) The report of a boating accident herein required to be made by the operator of the vessel involved in the boating accident shall not, during any judicial proceeding, be referred to in any way; it shall not be subject to subpoena nor admissible as evidence in any proceeding. Subject to these restrictions, information contained in a boating accident report and any statistical information based thereon will be made available upon request for official purposes to the United States Coast Guard or any federal agency successor thereto.

3. This act shall take effect immediately.

Approved July 3, 2014.

CHAPTER 18

AN ACT designating May of each year as "Military Appreciation Month" in New Jersey.

WHEREAS, The freedom, peace, and security that citizens of the United States enjoy today are the direct results of the sacrifices and the continued vigilance of the members of the Armed Forces who selflessly serve to protect our nation, together with the sacrifices of the family members who support them; and

WHEREAS, Congress designated May "National Military Appreciation Month" in 1999 to promote national awareness of the sacrifices that members of the United States Armed Forces have made in the past and continue to make every day in order to support the United States Constitution and to protect and preserve the freedoms and liberties that enrich this nation; and

WHEREAS, Currently more than 7,000 active duty military personnel call the State of New Jersey their home, and more than 400,000 military veterans have chosen to make our State their home after military service; and

WHEREAS, The New Jersey Army National Guard and the New Jersey Air National Guard serve dual roles, protecting New Jerseyans from domestic threats and natural disasters and also serving in overseas military and humanitarian missions when called to federal active duty; and

WHEREAS, This State is home to many military installations which perform major functions in the defense of the United States and which bring resources of personnel and equipment to any mission assigned to the Armed Forces of the United States, including Joint Base-McGuire-Dix-Lakehurst, Naval Weapon Station-Earle, Picatinny Arsenal, and numerous United States Coast Guard duty stations; and

WHEREAS, It is appropriate to emphasize the importance of the service by the members of United States Armed Forces, past and present, to all persons in the United States, and to underscore the vital support and encouragement that their families have made in securing and protecting the freedoms that citizens of this State and the nation enjoy today; and

WHEREAS, The observance of events during the month of May recognizing and honoring the contributions and sacrifices of the brave men and women of our Armed Forces, both past and present, and their families is a tangible and highly effective way to sustain morale and improve the quality of life in New Jersey for these valiant individuals; now, therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.36:2-234 "Military Appreciation Month," May; designated, annual observance.

1. a. The month of May of every year is hereby designated as "Military Appreciation Month" in New Jersey. All citizens and residents of this State are encouraged to recognize, honor, and show appreciation to all members of the United States Armed Forces, past and present, as well as their families.

b. The Governor shall annually issue a proclamation declaring May of every year as "Military Appreciation Month" in New Jersey and, with the Legislature, call upon the citizens of this State to recognize this month with appropriate activities, programs, and events.

2. This act shall take effect immediately.

Approved July 10, 2014.

CHAPTER 19

AN ACT concerning victims of crime and amending P.L.2012, c.27, P.L.1995, c.23, and P.L.2001, c.404.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.2012, c.27 (C.52:4B-36.2) is amended to read as follows:

C.52:4B-36.2 Crime victims not required to pay certain costs.

3. Pursuant to Article I, paragraph 22 of the New Jersey Constitution:

a. A crime victim shall not be required to pay the maintenance, support, rehabilitation, or other costs arising from the imprisonment or commitment of a victimizer as a result of the crime; and

b. A crime victim shall not be charged any fee otherwise prescribed by law or regulation to obtain copies of the victim's own records to which the victim is entitled to access as provided in section 1 of P.L.1995, c.23 (C.47:1A-1.1), including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order.

2. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to read as follows:

C.47:1A-1.1 Definitions.

1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

"Biotechnology" means any technique that uses living organisms, or parts of living organisms, to make or modify products, to improve plants or animals, or to develop micro-organisms for specific uses; including the industrial use of recombinant DNA, cell fusion, and novel bioprocessing techniques.

"Custodian of a government record" or "custodian" means in the case of a municipality, the municipal clerk and in the case of any other public agency, the officer officially designated by formal action of that agency's director or governing body, as the case may be.

"Government record" or "record" means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data proc-

essed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material.

A government record shall not include the following information which is deemed to be confidential for the purposes of P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit;

any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, except that this provision shall not apply to an otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members;

any copy, reproduction or facsimile of any photograph, negative or print, including instant photographs and videotapes of the body, or any portion of the body, of a deceased person, taken by or for the medical examiner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the medical examiner except:

when used in a criminal action or proceeding in this State which relates to the death of that person,

for the use as a court of this State permits, by order after good cause has been shown and after written notification of the request for the court order has been served at least five days before the order is made upon the county prosecutor for the county in which the post mortem examination or autopsy occurred,

for use in the field of forensic pathology or for use in medical or scientific education or research, or

for use by any law enforcement agency in this State or any other state or federal law enforcement agency;

criminal investigatory records;

victims' records, except that a victim of a crime shall have access to the victim's own records;

any written request by a crime victim for a record to which the victim is entitled to access as provided in this section, including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order;

personal firearms records, except for use by any person authorized by law to have access to these records or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice;

personal identifying information received by the Division of Fish and Wildlife in the Department of Environmental Protection in connection with the issuance of any license authorizing hunting with a firearm. For the purposes of this paragraph, personal identifying information shall include, but not be limited to, identity, name, address, social security number, telephone number, fax number, driver's license number, email address, or social media address of any applicant or licensee;

trade secrets and proprietary commercial or financial information obtained from any source. For the purposes of this paragraph, trade secrets shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure;

any record within the attorney-client privilege. This paragraph shall not be construed as exempting from access attorney or consultant bills or invoices except that such bills or invoices may be redacted to remove any information protected by the attorney-client privilege;

administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security;

emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein;

security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software;

information which, if disclosed, would give an advantage to competitors or bidders;

information generated by or on behalf of public employers or public employees in connection with any sexual harassment complaint filed with a public employer or with any grievance filed by or against an individual or

in connection with collective negotiations, including documents and statements of strategy or negotiating position;

information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office;

information which is to be kept confidential pursuant to court order;

any copy of form DD-214, or that form, issued by the United States Government, or any other certificate of honorable discharge, or copy thereof, from active service or the reserves of a branch of the Armed Forces of the United States, or from service in the organized militia of the State, that has been filed by an individual with a public agency, except that a veteran or the veteran's spouse or surviving spouse shall have access to the veteran's own records; and

that portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number of any person; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor.

A government record shall not include, with regard to any public institution of higher education, the following information which is deemed to be privileged and confidential:

pedagogical, scholarly and/or academic research records and/or the specific details of any research project conducted under the auspices of a public higher education institution in New Jersey, including, but not limited to research, development information, testing procedures, or information regarding test participants, related to the development or testing of any pharmaceutical or pharmaceutical delivery system, except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available;

test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination;

records of pursuit of charitable contributions or records containing the identity of a donor of a gift if the donor requires non-disclosure of the donor's identity as a condition of making the gift provided that the donor has not received any benefits of or from the institution of higher education in connection with such gift other than a request for memorialization or dedication;

valuable or rare collections of books and/or documents obtained by gift, grant, bequest or devise conditioned upon limited public access;

information contained on individual admission applications; and

information concerning student records or grievance or disciplinary proceedings against a student to the extent disclosure would reveal the identity of the student.

"Personal firearms record" means any information contained in a background investigation conducted by the chief of police, the county prosecutor, or the Superintendent of State Police, of any applicant for a permit to purchase a handgun, firearms identification card license, or firearms registration; any application for a permit to purchase a handgun, firearms identification card license, or firearms registration; any document reflecting the issuance or denial of a permit to purchase a handgun, firearms identification card license, or firearms registration; and any permit to purchase a handgun, firearms identification card license, or any firearms license, certification, certificate, form of register, or registration statement. For the purposes of this paragraph, information contained in a background investigation shall include, but not be limited to, identity, name, address, social security number, phone number, fax number, driver's license number, email address, social media address of any applicant, licensee, registrant or permit holder.

"Public agency" or "agency" means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department; the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch; and any independent State authority, commission, instrumentality or agency. The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality or agency created by a political subdivision or combination of political subdivisions.

"Law enforcement agency" means a public agency, or part thereof, determined by the Attorney General to have law enforcement responsibilities.

"Constituent" means any State resident or other person communicating with a member of the Legislature.

"Member of the Legislature" means any person elected or selected to serve in the New Jersey Senate or General Assembly.

"Criminal investigatory record" means a record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency which pertains to any criminal investigation or related civil enforcement proceeding.

"Victim's record" means an individually-identifiable file or document held by a victims' rights agency which pertains directly to a victim of a crime except that a victim of a crime shall have access to the victim's own records.

"Victim of a crime" means a person who has suffered personal or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime, or if such a person is deceased or incapacitated, a member of that person's immediate family.

"Victims' rights agency" means a public agency, or part thereof, the primary responsibility of which is providing services, including but not limited to food, shelter, or clothing, medical, psychiatric, psychological or legal services or referrals, information and referral services, counseling and support services, or financial services to victims of crimes, including victims of sexual assault, domestic violence, violent crime, child endangerment, child abuse or child neglect, and the Victims of Crime Compensation Board, established pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as the Victims of Crime Compensation Office pursuant to P.L.2007, c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

3. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read as follows:

C.47:1A-5 Times during which records may be inspected, examined, copied; access; copy fees.

6. a. The custodian of a government record shall permit the record to be inspected, examined, and copied by any person during regular business hours; or in the case of a municipality having a population of 5,000 or fewer according to the most recent federal decennial census, a board of education having a total district enrollment of 500 or fewer, or a public authority having less than $10 million in assets, during not less than six regular business hours over not less than three business days per week or the entity's regularly-

scheduled business hours, whichever is less; unless a government record is exempt from public access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented; any other statute; resolution of either or both houses of the Legislature; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; any federal law; federal regulation; or federal order. Prior to allowing access to any government record, the custodian thereof shall redact from that record any information which discloses the social security number, credit card number, unlisted telephone number, or driver license number of any person; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor. Except where an agency can demonstrate an emergent need, a regulation that limits access to government records shall not be retroactive in effect or applied to deny a request for access to a government record that is pending before the agency, the council or a court at the time of the adoption of the regulation.

b. (1) A copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation. Except as otherwise provided by law or regulation and except as provided in paragraph (2) of this subsection, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be $0.05 per letter size page or smaller, and $0.07 per legal size page or larger. If a public agency can demonstrate that its actual costs for duplication of a government record exceed the foregoing rates, the public agency shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or other overhead expenses associated with making the copy except as provided for in subsection c. of this section. Access to electronic records and non-printed materials shall be provided free of

charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs.

(2) No fee shall be charged to a victim of a crime for a copy or copies of a record to which the crime victim is entitled to access, as provided in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

c. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies; provided, however, that in the case of a municipality, rates for the duplication of particular records when the actual cost of copying exceeds the foregoing rates shall be established in advance by ordinance. The requestor shall have the opportunity to review and object to the charge prior to it being incurred.

d. A custodian shall permit access to a government record and provide a copy thereof in the medium requested if the public agency maintains the record in that medium. If the public agency does not maintain the record in the medium requested, the custodian shall either convert the record to the medium requested or provide a copy in some other meaningful medium. If a request is for a record: (1) in a medium not routinely used by the agency; (2) not routinely developed or maintained by an agency; or (3) requiring a substantial amount of manipulation or programming of information technology, the agency may charge, in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the agency or attributable to the agency for the programming, clerical, and supervisory assistance required, or both.

e. Immediate access ordinarily shall be granted to budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information.

f. The custodian of a public agency shall adopt a form for the use of any person who requests access to a government record held or controlled by the public agency. The form shall provide space for the name, address, and phone number of the requestor and a brief description of the govern-

ment record sought. The form shall include space for the custodian to indicate which record will be made available, when the record will be available, and the fees to be charged. The form shall also include the following: (1) specific directions and procedures for requesting a record; (2) a statement as to whether prepayment of fees or a deposit is required; (3) the time period within which the public agency is required by P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented, to make the record available; (4) a statement of the requestor's right to challenge a decision by the public agency to deny access and the procedure for filing an appeal; (5) space for the custodian to list reasons if a request is denied in whole or in part; (6) space for the requestor to sign and date the form; (7) space for the custodian to sign and date the form if the request is fulfilled or denied. The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of $5 to reproduce.

g. A request for access to a government record shall be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. A custodian shall promptly comply with a request to inspect, examine, copy, or provide a copy of a government record. If the custodian is unable to comply with a request for access, the custodian shall indicate the specific basis therefor on the request form and promptly return it to the requestor. The custodian shall sign and date the form and provide the requestor with a copy thereof. If the custodian of a government record asserts that part of a particular record is exempt from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented, the custodian shall delete or excise from a copy of the record that portion which the custodian asserts is exempt from access and shall promptly permit access to the remainder of the record. If the government record requested is temporarily unavailable because it is in use or in storage, the custodian shall so advise the requestor and shall make arrangements to promptly make available a copy of the record. If a request for access to a government record would substantially disrupt agency operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the agency.

h. Any officer or employee of a public agency who receives a request for access to a government record shall forward the request to the custodian of the record or direct the requestor to the custodian of the record.

i. Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant

access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived. In the event a custodian fails to respond within seven business days after receiving a request, the failure to respond shall be deemed a denial of the request, unless the requestor has elected not to provide a name, address or telephone number, or other means of contacting the requestor. If the requestor has elected not to provide a name, address, or telephone number, or other means of contacting the requestor, the custodian shall not be required to respond until the requestor reappears before the custodian seeking a response to the original request. If the government record is in storage or archived, the requestor shall be so advised within seven business days after the custodian receives the request. The requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied.

j. A custodian shall post prominently in public view in the part or parts of the office or offices of the custodian that are open to or frequented by the public a statement that sets forth in clear, concise and specific terms the right to appeal a denial of, or failure to provide, access to a government record by any person for inspection, examination, or copying or for purchase of copies thereof and the procedure by which an appeal may be filed.

k. The files maintained by the Office of the Public Defender that relate to the handling of any case shall be considered confidential and shall not be open to inspection by any person unless authorized by law, court order, or the State Public Defender.

4. This act shall take effect on the first day of the fourth month following enactment.

Approved July 30, 2014.

CHAPTER 20

AN ACT concerning voluntary self-exclusion from certain gaming activities and amending P.L.2001, c.39 and P.L.2013, c.27.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.2001, c.39 (C.5:12-71.2) is amended to read as follows:

C.5:12-71.2 List of persons self-excluded from gaming activities.

1. a. The division shall provide by regulation for the establishment of a list of persons self-excluded from gaming activities at all licensed casinos and simulcasting facilities. Any person may request placement on the list of self-excluded persons by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at such casinos and facilities.

b. The regulations of the division shall establish procedures for placements on, and removals from, the list of self-excluded persons. Such regulations shall establish procedures for the transmittal to licensed casinos and simulcasting facilities of identifying information concerning self-excluded persons, and shall require licensed casinos and simulcasting facilities to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to credit, complimentaries, check cashing privileges club programs, and other similar benefits.

c. A licensed casino or simulcasting facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result of:

(1) the failure of a licensed casino or simulcasting facility to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person; or

(2) otherwise permitting a self-excluded person to engage in gaming activity in such licensed casino or simulcasting facility while on the list of self-excluded persons.

d. Notwithstanding the provisions of P.L.1977, c.110 (C.5:12-1 et seq.) or any other law to the contrary, the division's list of self-excluded persons shall not be open to public inspection. Nothing herein, however, shall be construed to prohibit a casino licensee from disclosing the identity of persons self-excluded pursuant to this section to affiliated gaming entities in this State or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by such gaming affiliated entities.

e. A licensed casino or simulcasting facility or employee thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any harm, monetary or otherwise, which may arise as a result

of disclosure or publication in any manner, other than a willfully unlawful disclosure or publication, of the identity of any self-excluded person.

2. Section 23 of P.L.2013, c.27 (C.5:12-95.25) is amended to read as follows:

C.5:12-95.25 Assistance to people with gambling problem.

23. A casino licensee shall:

a. cause the words "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," or some comparable language approved by the division, which language shall include the words "gambling problem" and "call 1-800 GAMBLER," to be displayed prominently at log on and log off times to any person visiting or logged onto Internet gaming; and

b. provide a mechanism by which a holder of a wagering account may establish the following controls on wagering activity through the wagering account:

(1) a limit on the amount of money deposited within a specified period of time and the length of time the holder will be unable to participate in gaming if the holder reaches the established deposit limit; and

(2) a temporary suspension of gaming through the account for any number of hours or days.

The casino licensee shall not send gaming-related electronic mail to an account holder while gaming through his or her wagering account is suspended, if the suspension is for at least 72 hours. The casino licensee shall provide a mechanism by which an account holder may change these controls, except that while gaming through the wagering account is suspended, the account holder may not change gaming controls until the suspension expires, but the holder shall continue to have access to the account and shall be permitted to withdraw funds from the account upon proper application therefor.

3. This act shall take effect immediately.

Approved July 30, 2014.

CHAPTER 21

AN ACT concerning the reemployment of a retiree of the Teachers' Pension and Annuity Fund and amending N.J.S.18A:66-53.2.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.18A:66-53.2 is amended to read as follows:

Reemployment of retirant; reenrollment; subsequent retirement.

18A:66-53.2. a. Except as provided in subsection b. of this section, if a former member of the retirement system who has been granted a retirement allowance for any cause other than disability, becomes employed again in a position which makes him eligible to be a member of the retirement system, his retirement allowance and the right to any death benefit as a result of his former membership, shall be canceled until he again retires.

Such person shall be reenrolled in the retirement system and shall contribute thereto at a rate based on his age at the time of reenrollment. Such person shall be treated as an active member for determining disability or death benefits while in service and no benefits pursuant to an optional selection with respect to his former membership shall be paid if his death shall occur during the period of such reenrollment.

Upon subsequent retirement of such member, his former retirement allowance shall be reinstated together with any optional selection, based on his former membership. In addition, he shall receive an additional retirement allowance based on his subsequent service as a member computed in accordance with applicable provisions of this article; provided, however, that his total retirement allowance upon such subsequent retirement shall not be a greater proportion of his final compensation than the proportion to which he would have been entitled had he remained in service during the period of his prior retirement. Any death benefit to which such member shall be eligible shall be based on his latest retirement, but shall not be less than the death benefit that was applicable to his former retirement.

b. The cancellation, reenrollment, and additional retirement allowance provisions of subsection a. of this section shall not apply to a former member of the retirement system who is a certificated superintendent or a certificated administrator and who, after having been granted a retirement allowance, becomes employed by the State Department of Education in a position of critical need as determined by the State Commissioner of Education, or becomes employed by a board of education as a certificated superintendent or a certificated administrator on a contractual basis for a term of not more than one year; except that the cancellation, reenrollment, and additional retirement allowance provisions shall apply if the former member becomes employed within 120 days of retirement with the employer

from which the member retired. Nothing herein shall preclude a former member so reemployed with a board of education from renewing a contract for one additional year, provided that the total period of employment with any individual board of education does not exceed a two-year period.

c. A former member of the retirement system who has been granted a retirement allowance, for any cause other than disability, may become employed again with the former employer in a position as a coach of an athletics activity if: (1) the employment commences after the retirement allowance becomes due and payable; (2) the former member had attained the service retirement age, applicable to that member, as of the date of retirement; and (3) the compensation for the employment is less than $10,000 per year. This subsection shall be effective if the qualified status of the retirement system under federal law can be maintained upon its application, and such modifications to the system as may be available shall be made to allow for its application. As used in this section, "former employer" means the employer with which the former member held employment immediately prior to retirement.

2. This act shall take effect immediately.

Approved July 30, 2014.

CHAPTER 22

AN ACT concerning the import, sale, purchase, barter, or possession of ivory or rhinoceros horn and supplementing Title 23 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.23:2A-13.1 Findings, declarations relative to ivory trafficking.

1. The Legislature finds and declares that ivory trafficking is at the highest rate ever recorded, with an estimated confiscation of more than 41 tons of illegal ivory worldwide in 2013; that despite laws to protect elephants, more than 35,000 African elephants were slaughtered in 2012 and scientists expect the current levels of illegal trade in ivory will bring elephants to extinction within 20 years; that other species with ivory teeth and tusks – such as hippopotamuses, narwhals, walruses, and whales - are

equally threatened and the protection of one species may inadvertently draw poachers' efforts to another species; that precious artifacts from prehistoric mammoths are also not safe and need protection from illegal ivory traffickers; that currently the population of all species of rhinoceros living in the wild worldwide has dwindled to 29,000 and, in February 2014, a federal ban on commercial trade of rhinoceros horn and elephant ivory has focused the need to protect rhinoceros populations from poachers as well; and that the most effective way to discourage the illegal trafficking is to eliminate markets and profits for the traffickers.

The Legislature therefore determines that it is an important public purpose to protect all species of rhinoceros and all species of animals with ivory teeth and tusks by prohibiting the import, sale, purchase, barter, or possession with intent to sell, of any ivory, ivory product, rhinoceros horn, or rhinoceros horn product.

C.23:2A-13.2 Definitions relative to ivory trafficking.

2. As used in this act:

"Ivory" means any tooth or tusk composed of ivory from any animal, including, but not limited to, an elephant, hippopotamus, mammoth, narwhal, walrus, or whale, or any piece thereof, whether raw ivory or worked ivory, or made into, or part of, an ivory product.

"Ivory product" means any item that contains, or that is wholly or partially made from, any ivory.

"Raw ivory" means any ivory the surface of which, polished or unpolished, is unaltered or minimally changed by carving.

"Rhinoceros horn" means the horn, or any piece thereof, of any species of rhinoceros.

"Rhinoceros horn product" means any item that contains, or is wholly or partially made from, any rhinoceros horn.

"Total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products" means the fair market value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products, or the actual price paid for the ivory, ivory products, rhinoceros horn, and rhinoceros products, whichever is greater.

"Worked ivory" means ivory that has been embellished, carved, marked, or otherwise altered so that it can no longer be considered raw ivory.

C.23:2A-13.3 Additional prohibitions, penalties; exemptions.

3. a. In addition to the prohibitions established pursuant to, and the penalties imposed for violations of, R.S.23:4-27, "The Endangered and

Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.), and any other applicable law, it shall be unlawful for any person to import, sell, offer for sale, purchase, barter, or possess with intent to sell, any ivory, ivory product, rhinoceros horn, or rhinoceros horn product, except as provided pursuant to this section.

b. It shall be presumptive evidence of possession with intent to sell when any ivory, ivory product, rhinoceros horn, or rhinoceros horn product is possessed in a retail or wholesale outlet commonly used for the buying or selling of similar products, provided, however, that nothing in this subsection shall preclude a finding of intent to sell based on any other evidence which may serve to independently establish such intent. The act of obtaining an appraisal of ivory, an ivory product, rhinoceros horn, or a rhinoceros horn product, alone shall not constitute possession with intent to sell.

c. A person may convey ivory, an ivory product, rhinoceros horn, or a rhinoceros horn product to the legal beneficiary of the ivory, ivory product, rhinoceros horn, or rhinoceros horn product which is part of an estate or other items being conveyed to lawful beneficiaries upon the death of the owner of the ivory, ivory product, rhinoceros horn, or rhinoceros horn product or in anticipation of that death.

d. None of the prohibitions set forth in this section shall apply to employees or agents of the federal or State government undertaking any law enforcement activities pursuant to federal or State law or any mandatory duties required by federal or State law.

e. The prohibition on import set forth in subsection a. of this section shall not apply where the import is expressly authorized by federal license or permit.

f. The Department of Environmental Protection may permit, under terms and conditions as the department may prescribe, the import, sale, offer for sale, purchase, barter, or possession with intent to sell, any ivory, ivory product, rhinoceros horn, or rhinoceros horn product for bona fide educational or scientific purposes, unless this activity is prohibited by federal law.

C.23:2A-13.4 Additional penalties, degree of crime; disposition of seized ivory.

4. a. In addition to any applicable penalties which may be imposed pursuant to R.S.23:4-27, "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.), or any other applicable law, a person violating any provision of section 3 of this act, or any rule or regulation adopted pursuant to section 5 of this act, shall be guilty of:

(1) for a first offense, a disorderly persons offense and, notwithstanding the provisions of N.J.S.2C:43-3, shall be fined not less than $1,000 or an amount equal to two times the total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products involved in the offense, whichever is greater; and

(2) for a second or subsequent offense, a crime of the fourth degree and, notwithstanding the provisions of N.J.S.2C:43-3, shall be fined not less than $5,000 or an amount equal to two times the total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products involved in the offense, whichever is greater.

b. Upon a conviction for violating the provisions of section 3 of this act, the court shall order the seizure of all ivory, ivory products, rhinoceros horn, and rhinoceros horn products involved in the violation and determine the penalty for the violation based on the assessed value of the seized products pursuant to subsection a. of this section. After sentencing the defendant, the court shall order that the seized ivory, ivory products, rhinoceros horn, and rhinoceros horn products be transferred to the Department of Environmental Protection for proper disposition. The department, at its discretion, may destroy the ivory, ivory products, rhinoceros horn, and rhinoceros horn products or donate them to an educational or scientific institution or organization, including, but not necessarily limited to, a museum, university, or research group.

C.23:2A-13.5 Rules, regulations.

5. The Department of Environmental Protection may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary for the implementation and administration of this act.

6. This act shall take effect immediately, except that sections 3 and 4 of this act shall remain inoperative for six months following the date of enactment.

Approved August 1, 2014.

CHAPTER 23

AN ACT permitting Internet gaming equipment to be located at certain secure facilities in Atlantic City and amending and supplementing P.L.2013, c.27 (C.5:12-95.17 et al.) and amending P.L.1977, c.110.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.2013, c.27 (C.5:12-95.17) is amended to read as follows:

C.5:12-95.17 Findings, declarations relative to Internet gaming in Atlantic City casinos, facilities.

1. The Legislature finds and declares that:

a. The 1976 amendment to the New Jersey Constitution that amended Article IV, Section VII, paragraph 2 thereof, and the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), that authorized casino gaming in Atlantic City casinos clearly demonstrate, both through their text and their legislative history, that a fundamental goal of these enactments was to achieve the rehabilitation of Atlantic City as a tourist and resort destination; and

b. As recognized in the July 2010 Report of the Governor's Advisory Commission on New Jersey Gaming, Sports, and Entertainment, and as confirmed in subsequent legislative hearings held in Trenton and throughout the State culminating in the enactment of significant bipartisan reform legislation in February of 2011 (P.L.2011, c.18 and P.L.2011, c.19), legalized casino gaming in New Jersey presently stands at a crossroads, facing critical regional and global challenges that jeopardize its important role in the State's economy; and

c. The State and New Jersey's general public possess a vital interest in the success of tourism and casino gaming in Atlantic City, having established a limited exception to the general policy of the State concerning gaming for private gain under Article IV, Section VII, paragraph 2 of the New Jersey Constitution within Atlantic City, which by reason of its location, natural resources, and historical prominence and reputation as a noteworthy tourist destination, has been determined by the people of this State, the Legislature, and the Governor to be a unique and valuable asset that must be preserved, restored, and revitalized; and

d. The tourist, resort, and convention industry in Atlantic City constitutes a critical component of our State's economic infrastructure that, if properly regulated, developed, and fostered, is capable of providing a substantial contribution to the general health, welfare, and prosperity of the State and its residents; and

e. As recognized in the State Constitution and the Casino Control Act, as well as in P.L.2011, c.18 and P.L.2011, c.19, an important component of the State's historical and ongoing commitment to Atlantic City involves cre-

ating and maintaining a robust casino gaming industry that is capable of competing regionally, nationally, and internationally at the highest levels of quality while, at the same time, fully retaining strict State regulatory oversight to ensure the integrity of all casino gaming operations conducted in this State; and

f. Since the development of the Internet, millions of people have chosen to gamble online through illegal off-shore operators, and such gambling is conducted without oversight, regulation, enforcement, or consumer protections, all of which raise significant concerns for the protection of individuals and consumers in this State; and

g. In October 2006, the United States Congress passed the Unlawful Internet Gambling Enforcement Act, 31 U.S.C. 5361 et seq., which generally prohibits the use of banking instruments, including credit cards, checks, and fund transfers, for interstate Internet gambling, essentially prohibiting online gambling by United States citizens, but which includes exceptions that permit individual states to create a regulatory framework to enable intrastate Internet gambling, provided that the bets or wagers are made exclusively within a single state under certain circumstances; and

h. An effective State regulatory and licensing system for participating in online gaming would increase public trust and confidence in legalized gambling, inhibit wagering by underage or otherwise vulnerable individuals, ensure that any games offered through the Internet are fair and safe, end the practice of sending much-needed jobs and tax revenue overseas to illegal operators while creating jobs and economic development in Atlantic City, and ensure that only those of good character and fitness who meet strict criteria may participate in Internet gaming operations in New Jersey; and

i. Moreover, providing regulators and law enforcement with the tools to restrict and stop the illegal Internet gambling market that takes place via the Internet in foreign jurisdictions and authorizing strict controls over how Atlantic City casinos may accept wagers placed over the Internet for games conducted in Atlantic City casinos will assist and enhance the rehabilitation and redevelopment of existing tourist and convention facilities in Atlantic City consistent with the original intent of the Casino Control Act and will further assist in marketing Atlantic City to customers that now have the convenience of gambling in jurisdictions closer to their homes through the legalization of gambling in states throughout the United States over the past three decades; and

j. Internet gaming, as defined and strictly limited in P.L.2013, c.27 (C.5:12-95.17 et al.), is unlike pari-mutuel wagering and other forms of remote gambling and will take place entirely on the servers and computer

equipment located in the casino based in Atlantic City or in another facility in Atlantic City owned or leased by the casino licensee and thereby considered to be part of the casino hotel facility that is secure, inaccessible to the public, and specifically designed to house that equipment, and where the equipment will be under the complete control of a casino licensee or its Internet gaming affiliate. By contrast, in off-track pari-mutuel simulcast wagering, the customer places a wager at an off-track facility, the wager is accepted by the off-track facility, as evidenced by issuance of a ticket, and any amounts paid on a winning wager are paid out and received at the off-track facility. Any rights on the part of a customer in the event of a dishonored, misdirected or other frustrated pari-mutuel wager arise against the off-track facility where the wager is placed and received, not against the remote track at which the race is run; and

k. Internet gaming as authorized and limited under this act, on the other hand, requires that all hardware, software, and other equipment that is involved with Internet gaming will be located in casino facilities in Atlantic City or in other facilities in Atlantic City owned or leased by a casino licensee and thereby considered to be part of a casino hotel facility that are secure, inaccessible to the public, and specifically designed to house that equipment, and where the equipment will be under the complete control of a casino licensee or its Internet gaming affiliate. All that is needed by a customer is a computing or similar device of general application and a communications connection through a common carriage or similar medium. For example, in an online poker or other card game, the "table" is the server hosted by the operator in the casino premises in Atlantic City. The "cards" are played on that table in Atlantic City, and the wager is placed on and accepted at that table. No activity other than the transmission of information to and from the players along common carriage lines takes place outside of Atlantic City; and

l. Pursuant to the 1976 amendment to the New Jersey State Constitution and the express authorization to the Legislature to determine the type of gambling games that may be conducted in casinos under regulation and control by the State, the Legislature hereby declares that in furtherance of the goals of the Casino Control Act and in recognition that the technologies necessary to support Internet gaming can be prescribed and implemented in a manner that ensures all such gambling activity occurs within casinos located in Atlantic City or in other facilities in Atlantic City owned or leased by a casino licensee and thereby considered to be part of a casino hotel facility that are secure, inaccessible to the public, and specifically designed to house Internet gaming equipment, and where that equipment will be under

the complete control of a casino licensee or its Internet gaming affiliate, it is appropriate that the Casino Control Act be amended and supplemented to authorize licensed casino operators to conduct such games within the casino premises with all wagering to be conducted solely within the casinos.

2. Section 20 of P.L.2013, c.27 (C.5:12-95.22) is amended to read as follows:

C.5:12-95.22 Location of primary Internet gaming operation.

20. a. A casino's primary Internet gaming operation, including facilities, equipment and personnel who are directly engaged in the conduct of Internet gaming activity, shall be located within a restricted area on the premises of the casino hotel or in another facility owned or leased by the casino licensee that is secure, inaccessible to the public, and specifically designed to house that equipment, and where the equipment shall be under the complete control of the casino licensee or its Internet gaming affiliate, within the territorial limits of Atlantic City, New Jersey. Backup equipment used on a temporary basis pursuant to rules established by the division to conduct Internet gaming may, with the approval of the division, be located outside the territorial limits of Atlantic City, provided no internet gaming shall occur unless a wager is accepted by a casino within the territorial limits of Atlantic City, New Jersey. For the purposes of this section, a secure facility within Atlantic City that is owned or leased by the casino licensee to house Internet gaming equipment shall be considered to be part of the casino hotel facility notwithstanding that the facility may not be contiguous with the premises of the casino hotel.

b. Facilities used to conduct and support Internet gaming shall:

(1) be arranged in a manner promoting optimum security for Internet gaming;

(2) include a closed circuit visual monitoring system according to specifications approved by the division, with access on the licensed premises to the system or its signal provided to the division;

(3) not be designed in any way that might interfere with the ability of the division to supervise Internet gaming operations; and

(4) comply in all respects with regulations of the division pertaining thereto.

3. Section 100 of P.L.1977, c.110 (C.5:12-100) is amended to read as follows:

C.5:12-100 Games and gaming equipment.

100. a. This act shall not be construed to permit any gaming except the conduct of authorized games in a casino room or through Internet gaming in accordance with this act and the regulations promulgated hereunder and in a simulcasting facility to the extent provided by the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.). Notwithstanding the foregoing, if the division approves the game of keno as an authorized game pursuant to section 5 of P.L.1977, c.110 (C.5:12-5), as amended, keno tickets may be sold or redeemed in accordance with division regulations.

b. Gaming equipment shall not be possessed, maintained or exhibited by any person on the premises of a casino hotel except in a casino room, in the simulcasting facility, or in restricted casino areas used for the inspection, repair or storage of such equipment and specifically designated for that purpose by the casino licensee with the approval of the division. Gaming equipment which supports the conduct of gaming in a casino or simulcasting facility or through Internet gaming but does not permit or require patron access, such as computers, or gaming software or other gaming equipment used to conduct Internet gaming may be possessed and maintained by a casino licensee or a qualified holding or intermediary company of a casino licensee in restricted areas specifically approved by the division. No gaming equipment shall be possessed, maintained, exhibited, brought into or removed from a casino room or simulcasting facility by any person unless such equipment is necessary to the conduct of an authorized game, has permanently affixed, imprinted, impressed or engraved thereon an identification number or symbol authorized by the division, is under the exclusive control of a casino licensee or casino licensee's employees, or of any individually qualified employee of a holding company or casino licensee and is brought into or removed from the casino room or simulcasting facility following 24-hour prior notice given to an authorized agent of the division.

Notwithstanding any other provision of this section, computer equipment used by the slot system operator of a multi-casino progressive slot system to link and communicate with the slot machines of two or more casino licensees for the purpose of calculating and displaying the amount of a progressive jackpot, monitoring the operation of the system, and any other purpose that the division deems necessary and appropriate to the operation or maintenance of the multi-casino progressive slot machine system may, with the prior approval of the division, be possessed, maintained and operated by the slot system operator either in a restricted area on the premises of a casino hotel or in a secure facility inaccessible to the public and specifi-

cally designed for that purpose off the premises of a casino hotel but within the territorial limits of Atlantic County, New Jersey.

Notwithstanding the foregoing, a person may, with the prior approval of the division and under such terms and conditions as may be required by the division, possess, maintain or exhibit gaming equipment in any other area of the casino hotel, provided that such equipment is used for nongaming purposes.

Notwithstanding any other provision of this act to the contrary, the division may, by regulation, authorize the linking of slot machines of one or more casino licensees and slot machines located in casinos licensed by another state of the United States. Wagering and account information for a multi-state slot system shall be transmitted by the operator of such multi-state slot system to either a restricted area on the premises of a casino hotel or to a secure facility inaccessible to the public and specifically designed for that purpose off the premises of a casino hotel but within the territorial limits of Atlantic County, New Jersey, and from there to slot machines of New Jersey casino licensees, provided all locations are approved by the division.

Notwithstanding any other provision of this act to the contrary, the division may authorize electronic versions of authorized games to be played within an approved hotel facility on mobile gaming devices to be approved by the division, provided the player has established an account with the casino licensee, the wager is placed by and the winnings are paid to the patron in person within the approved hotel facility, the mobile gaming device is inoperable outside the approved hotel facility, and the division authorizes the device for mobile gaming; provided that the division may establish any additional or more stringent licensing and other regulatory requirements necessary for the proper implementation and conduct of mobile gaming as authorized herein. For the purposes of this provision, the approved hotel facility shall include any area located within the property boundaries of the casino hotel facility, including the swimming pool area and an outdoor recreation area, where mobile gaming devices may be used by patrons in accordance with this provision, but excluding parking garages or parking areas of a casino hotel facility, provided that the division shall ascertain and ensure, pursuant to rules and regulations issued by it to implement mobile gaming pursuant to this provision, that mobile gaming shall not extend outside of the property boundaries of the casino hotel facility.

c. Each casino hotel shall contain a count room and such other secure facilities as may be required by the division for the counting and storage of cash, coins, tokens, checks, plaques, gaming vouchers, coupons, and other devices or items of value used in wagering and approved by the division

that are received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value. The division shall promulgate regulations for the security of drop boxes and other devices in which the foregoing items are deposited at the gaming tables or in slot machines, and all areas wherein such boxes and devices are kept while in use, which regulations may include certain locking devices. Said drop boxes and other devices shall not be brought into or removed from a casino room or simulcasting facility, or locked or unlocked, except at such times, in such places, and according to such procedures as the division may require.

d. All chips used in gaming shall be of such size and uniform color by denomination as the division shall require by regulation.

e. All gaming shall be conducted according to rules promulgated by the division. All wagers and pay-offs of winning wagers shall be made according to rules promulgated by the division, which shall establish such limitations as may be necessary to assure the vitality of casino operations and fair odds to patrons. Each slot machine shall have a minimum payout of 83%.

f. Each casino licensee shall make available in printed form to any patron upon request the complete text of the rules of the division regarding games and the conduct of gaming, pay-offs of winning wagers, an approximation of the odds of winning for each wager, and such other advice to the player as the division shall require. Each casino licensee shall prominently post within a casino room and simulcasting facility, as appropriate, according to regulations of the division such information about gaming rules, pay-offs of winning wagers, the odds of winning for each wager, and such other advice to the player as the division shall require.

g. Each gaming table shall be equipped with a sign indicating the permissible minimum and maximum wagers pertaining thereto. All gaming and wagering offered through Internet gaming shall display online the permissible minimum and maximum wagers pertaining thereto. It shall be unlawful for a casino licensee to require any wager to be greater than the stated minimum or less than the stated maximum; provided, however, that any wager actually made by a patron and not rejected by a casino licensee prior to the commencement of play shall be treated as a valid wager.

h. (1) Except as herein provided, no slot machine shall be used to conduct gaming unless it is identical in all electrical, mechanical and other aspects to a model thereof which has been specifically tested and licensed for use by the division. The division shall also test any other gaming device, gaming equipment, gaming-related device, hardware and software by which authorized gambling games are offered through the Internet, or

gross-revenue related device, such as a slot management system, electronic transfer credit system or gaming voucher system as it deems appropriate. In its discretion and for the purpose of expediting the approval process, the division may utilize the services of a private testing laboratory that has obtained a plenary license as a casino service industry enterprise pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) to perform the testing, and may also utilize applicable data from any such private testing laboratory or from a governmental agency of a state other than New Jersey authorized to regulate slot machines and other gaming devices, gaming equipment, gaming-related devices and gross-revenue related devices used in casino gaming, if the private testing laboratory or governmental agency uses a testing methodology substantially similar to the methodology utilized by the division. The division, in its discretion, may rely upon the data provided by the private testing laboratory or governmental agency and adopt the conclusions of such private testing laboratory or governmental agency regarding any submitted device.

(2) Except as otherwise provided in paragraph (5) of subsection h. of this section, the division shall, within 60 days of its receipt of a complete application for the testing of a slot machine or other gaming equipment model, approve or reject the slot machine or other gaming equipment model. In so doing, the division shall specify whether and to what extent any data from a private testing laboratory or governmental agency of a state other than New Jersey was used in reaching its conclusions and recommendation. If the division is unable to complete the testing of a slot machine or other gaming equipment model within this 60-day period, the division may conditionally approve the slot machine or other gaming equipment model for test use by a casino licensee provided that the division represents that the use of the slot machine or other gaming equipment model will not have a direct and materially adverse impact on the integrity of gaming or the control of gross revenue. The division shall give priority to the testing of slot machines or other gaming equipment which a casino licensee has certified it will use in its casino in this State.

(3) The division shall, by regulation, establish such technical standards for licensure of slot machines, including mechanical and electrical reliability, security against tampering, the comprehensibility of wagering, and noise and light levels, as it may deem necessary to protect the player from fraud or deception and to insure the integrity of gaming. The denominations of such machines shall be set by the licensee; the licensee shall simultaneously notify the division of the settings.

(4) The division shall, by regulation, determine the permissible number and density of slot machines in a licensed casino so as to:

(a) promote optimum security for casino operations;

(b) avoid deception or frequent distraction to players at gaming tables;

(c) promote the comfort of patrons;

(d) create and maintain a gracious playing environment in the casino; and

(e) encourage and preserve competition in casino operations by assuring that a variety of gaming opportunities is offered to the public.

Any such regulation promulgated by the division which determines the permissible number and density of slot machines in a licensed casino shall provide that all casino floor space and all space within a casino licensee's casino simulcasting facility shall be included in any calculation of the permissible number and density of slot machines in a licensed casino.

(5) Any new gaming equipment or simulcast wagering equipment that is submitted for testing to the division or to an independent testing laboratory licensed pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92) prior to or simultaneously with submission of such new equipment for testing in a jurisdiction other than New Jersey, may, consistent with regulations promulgated by the division, be deployed by a casino licensee on the casino floor 14 days after submission of such equipment for testing. If the casino or casino service industry enterprise licensee has not received approval for the equipment 14 days after submission for testing, any interested casino licensee may, consistent with division regulations, deploy the equipment on a field test basis, unless otherwise directed by the director.

(6) A casino's primary equipment used to conduct Internet gaming shall be located, with the prior approval of the division, in a restricted area on the premises of the casino hotel or in another facility owned or leased by the casino licensee that is secure, inaccessible to the public, and specifically designed to house that equipment, and where the equipment shall be under the complete control of the casino licensee or its Internet gaming affiliate, within the territorial limits of Atlantic City, New Jersey. Backup equipment used on a temporary basis pursuant to rules established by the division to conduct Internet gaming may be located outside the territorial limits of Atlantic City, provided no Internet gaming shall occur unless a wager is accepted by a casino within the territorial limits of Atlantic City, New Jersey. All Internet wagers shall be deemed to be placed when received in Atlantic City by the licensee. Any intermediate routing of electronic data in connection with a wager shall not affect the fact that the wager is placed in Atlantic City. For the purposes of this section, a secure facility within Atlantic

City that is owned or leased by the casino licensee to house Internet gaming equipment shall be considered to be part of the casino hotel facility notwithstanding that the facility may not be contiguous with the premises of the casino hotel.

No software, computer or other gaming equipment shall be used to conduct Internet gaming unless it has been specifically tested by the division. The division may, in its discretion, and for the purpose of expediting the approval process, refer testing to any testing laboratory with a plenary license as a casino service industry enterprise pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92). The division shall give priority to the testing of software, computers or other gaming equipment which a casino licensee has certified it will use to conduct Internet gaming in this State. The division shall, by regulation, establish such technical standards for approval of software, computers and other gaming equipment used to conduct Internet gaming, including mechanical, electrical or program reliability, security against tampering, the comprehensibility of wagering, and noise and light levels, as it may deem necessary to protect the player from fraud or deception and to insure the integrity of gaming. When appropriate, the licensee shall set the denominations of Internet games and shall simultaneously notify the division of the settings.

No software, computer or other gaming equipment shall be used to conduct Internet gaming unless it is able to verify that a player placing a wager is physically present in this State. The division shall require by regulation that the equipment used by every licensee to conduct Internet gaming is, in fact, verifying every player's physical presence in this State each time a player logs onto a new playing session.

i. (Deleted by amendment, P.L.1991, c.182).

j. (Deleted by amendment, P.L.1991, c.182).

k. It shall be unlawful for any person to exchange or redeem chips for anything whatsoever, except for currency, negotiable personal checks, negotiable counter checks, other chips, coupons, slot vouchers or complimentary vouchers distributed by the casino licensee, or, if authorized by regulation of the division, a valid charge to a credit or debit card account. A casino licensee shall, upon the request of any person, redeem that licensee's gaming chips surrendered by that person in any amount over $100 with a check drawn upon the licensee's account at any banking institution in this State and made payable to that person.

l. It shall be unlawful for any casino licensee or its agents or employees to employ, contract with, or use any shill or barker to induce any person

to enter a casino or simulcasting facility or play at any game or for any purpose whatsoever.

m. It shall be unlawful for a dealer in any authorized game in which cards are dealt to deal cards by hand or other than from a device specifically designed for that purpose, unless otherwise permitted by the rules of the division.

n. (1) It shall be unlawful for any casino key employee licensee to wager in any casino or simulcasting facility in this State.

(2) It shall be unlawful for any other employee of a casino licensee who, in the judgment of the division, is directly involved with the conduct of gaming operations, including but not limited to dealers, floor persons, box persons, security and surveillance employees, to wager in any casino or simulcasting facility in the casino hotel in which the employee is employed or in any other casino or simulcasting facility in this State which is owned or operated by an affiliated licensee.

(3) The prohibition against wagering set forth in paragraphs (1) and (2) of this subsection shall continue for a period of 30 days commencing upon the date that the employee either leaves employment with a casino licensee or is terminated from employment with a casino licensee.

o. (1) It shall be unlawful for any casino key employee or boxman, floorman, or any other casino employee who shall serve in a supervisory position to solicit or accept, and for any other casino employee to solicit, any tip or gratuity from any player or patron at the casino hotel or simulcasting facility where he is employed.

(2) A dealer may accept tips or gratuities from a patron at the table at which such dealer is conducting play, subject to the provisions of this subsection. All such tips or gratuities shall be immediately deposited in a lockbox reserved for that purpose, unless the tip or gratuity is authorized by a patron utilizing an automated wagering system approved by the division. All tips or gratuities shall be accounted for, and placed in a pool for distribution pro rata among the dealers, with the distribution based upon the number of hours each dealer has worked, except that the division may, by regulation, permit a separate pool to be established for dealers in the game of poker, or may permit tips or gratuities to be retained by individual dealers in the game of poker.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, a casino licensee may require that a percentage of the prize pool offered to participants pursuant to an authorized poker tournament be withheld for distribution to the tournament dealers as tips or gratuities as the division by regulation may approve.

p. Any slot system operator that offers an annuity jackpot shall secure the payment of such jackpot by establishing an annuity jackpot guarantee in accordance with the requirements of P.L.1977, c.110 (C.5:12-1 et seq.), and the rules of the division.

C.5:12-95.22a Severability.

4. If any provision of this act, P.L.2014, c.23, amending section 1 of P.L.2013, c.27 (C.5:12-95.17), section 20 of P.L.2013, c.27 (C.5:12-95.22), and section 100 of P.L.1977, c.110 (C.5:12-100), or its application to any person or circumstance is held unconstitutional or invalid, the unconstitutionality or invalidity shall not affect other provisions or applications of this act which can be given effect without the unconstitutional or invalid provision or application, and to this end the provisions of this act shall be severable.

5. This act shall take effect immediately.

Approved August 1, 2014.

CHAPTER 24

AN ACT concerning noise control restrictions on certain bars and amending P.L.2011, c.198.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.2011, c.198 (C.13:1G-4.3) is amended to read as follows:

C.13:1G-4.3 Exceptions to the "Noise Control Act of 1971."

1. a. (1) (a) It shall not be a violation of the "Noise Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or regulation established pursuant thereto, for a person to operate a beach bar, located outside of the Atlantic City Tourism District and existing and operating as of August 31, 2011, during normal business hours, as defined by the department, between May 15 and October 15.

(b) (Deleted by amendment, P.L.2014, c.24)

(2) It shall not be a violation of the "Noise Control Act of 1971," P.L.1971, c.418 (C.13:1G-1 et seq.), or any rule or regulation established

pursuant thereto, for a person to operate an amusement park or a carnival amusement ride, existing and operating as of August 31, 2011, during normal business hours, as defined by the department, between May 15 and October 15, provided, however, that the person operating the carnival amusement ride, whether within an amusement park or otherwise, is complying with the recommendations of the manufacturer for maintaining and lubricating the carnival amusement ride to minimize, to the extent practicable, the noise sources within and on the ride.

b. In the event of the replacement of a carnival amusement ride existing and in operation as of August 31, 2011, the ride shall remain subject to the provisions of paragraph (2) of subsection a. of this section provided that the noise emissions of the new carnival amusement ride are less than or equal to the noise emissions of the ride that is being replaced.

c. As used in this section:

"Amusement park" means "amusement park" as defined in section 1 of P.L.1992, c.118 (C.5:3-55).

"Atlantic City Tourism District" means the district established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219).

"Carnival amusement ride" means "carnival amusement ride" as defined in section 2 of P.L.1975, c.105 (C.5:3-32).

2. This act shall take effect immediately.

Approved August 1, 2014.

CHAPTER 25

AN ACT appropriating moneys to the Department of Environmental Protection for the purpose of making grants, zero interest loans, or principal forgiveness loans to project sponsors to finance a portion of the costs of environmental infrastructure projects.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. (1) There is appropriated to the Department of Environmental Protection from the "Clean Water State Revolving Fund" established pursuant to section 1 of P.L.2009, c.77, an amount equal to the federal fiscal year 2014 capitalization grant made available to the State for clean water project loans pursuant to the "Water Quality Act of 1987" (33 U.S.C. s.1251 et

seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(2) There is appropriated to the Department of Environmental Protection from the "Interim Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(3) There is appropriated to the Department of Environmental Protection from the "Disaster Relief Emergency Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5) such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(4) There is appropriated to the Department of Environmental Protection from the "Drinking Water State Revolving Fund" established pursuant to section 1 of P.L.1998, c.84 an amount equal to the federal fiscal year 2014 capitalization grant made available to the State for drinking water projects pursuant to the "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act").

The Department of Environmental Protection is authorized to transfer from the Clean Water State Revolving Fund to the Drinking Water State Revolving Fund an amount up to the maximum amount authorized to be transferred pursuant to the Federal Safe Drinking Water Act to meet present and future needs for the financing of eligible drinking water projects, and an amount equal to that maximum amount is hereby appropriated to the department for those purposes.

The Department of Environmental Protection is authorized to transfer from the Drinking Water State Revolving Fund to the Clean Water State Revolving Fund an amount up to the maximum amount authorized to be transferred pursuant to the Federal Clean Water Act to meet present and future needs for the financing of eligible clean water projects, and an

amount equal to that maximum amount is hereby appropriated to the department for those purposes.

(5) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Clean Water State Revolving Fund and any repayments of loans and interest therefrom, for the purposes of clean water project loans and providing the State match as available on or before June 30, 2015, as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), and any repayments of loans and interest therefrom, as available on or before June 30, 2015, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(7) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "1992 Wastewater Treatment Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), and any repayments of loans and interest therefrom, as available on or before June 30, 2015, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(8) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "2003 Water Resources and Wastewater Treatment Fund" established pursuant to subsection a. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162), and any repayments of loans and interest therefrom, as available on or before June 30, 2015, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(9) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and any repayments

of loans and interest therefrom, that are or may become available on or before June 30, 2015.

(10) There is appropriated to the Department of Environmental Protection such sums as may be needed from loan repayments and interest earnings from the "Water Supply Fund" established pursuant to section 14 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) for the "Drinking Water State Revolving Fund Match Accounts" contained within that fund for the purpose of providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(11) There is appropriated to the Department of Environmental Protection from the "Interim Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) such amounts as may be or become available on or before June 30, 2015, and any repayments of loans and interest therefrom, as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Safe Drinking Water Act.

(12) There is appropriated to the Department of Environmental Protection from the "Disaster Relief Emergency Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5) such amounts as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(13) There is appropriated to the Department of Environmental Protection such sums as may be received by the Department of Community Affairs as the grantee from the United States Department of Housing and Urban Development Community Development Block Grant - Disaster Recovery Program (CDBG-DR), as anticipated and upon availability on or before June 30, 2015, for the purposes of CDBG-DR eligible clean water and drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act, respectively.

(14) There is appropriated to the Department of Environmental Protection such sums as may be or become available on or before June 30, 2015, as repayments of drinking water project loans and any interest therefrom from the "Water Supply Fund" established pursuant to section 14 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(15) Of the sums appropriated to the Department of Environmental Protection from the "Water Supply Fund" pursuant to P.L.1999, c.174, P.L.2001, c.222, P.L.2002, c.70 and P.L.2003, c.158, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2015, in such amounts as needed to the Drinking Water State Revolving Fund accounts contained within the Water Supply Fund established for the purposes of providing drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(16) Of the sums appropriated to the Department of Environmental Protection from the "1992 Wastewater Treatment Fund" pursuant to P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222 and P.L.2002, c.70, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2015, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 1992 Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(17) Of the sums appropriated to the Department of Environmental Protection from the "2003 Water Resources and Wastewater Treatment Fund" pursuant to P.L.2004, c.109, and P.L.2007, c.139, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2015, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 2003 Water Resources and Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as required or will be required for the

award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(18) There is appropriated to the Department of Environmental Protection the sums deposited by the New Jersey Environmental Infrastructure Trust into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," established pursuant to the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), the "2003 Water Resources and Wastewater Treatment Fund" and the Drinking Water State Revolving Fund, as appropriate, pursuant to paragraph (6) of subsection c. of section 1 of P.L.2014, c.26 as available on or before June 30, 2015, for the purposes of providing clean water project loans and drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act.

Any such amounts shall be for the purpose of making zero interest and principal forgiveness financing loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of construction of clean water projects and drinking water projects listed in sections 2 and 3 of this act, and for the purpose of implementing and administering the provisions of this act, to the extent permitted by the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act, and any amendatory and supplementary acts thereto, P.L.2009, c.77, the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), the "Water Supply Bond Act of 1981" (P.L.1981, c.261), the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162), the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto, and State law.

b. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection a. of section 2 and subsection a. of section 3 of this act for clean water projects, up to the individual amounts indicated and in the priority stated, to the extent there are sufficient eligible project applications, and except that any such amounts

may be reduced if a project fails to meet the requirements of section 4 or 5 of this act, or by the Commissioner of Environmental Protection pursuant to section 7 of this act, provided:

(1) a maximum of $6 million in principal forgiveness loans shall be issued to Barnegat Bay Watershed environmental infrastructure projects as provided in subsection a. of section 3 of this act, wherein principal forgiveness shall be a minimum of 25 percent of the fund loan amount per project sponsor;

(2) a maximum of $30 million shall be issued to finance clean water redevelopment projects as provided in subsection a. of section 3 of this act;

(3) a maximum of $6 million in principal forgiveness loans shall be issued as provided in subsection a. of section 3 of this act, addressing combined sewer overflow abatement projects, including projects that use practices that restore natural hydrology through infiltration, evapotranspiration, or the usage or harvesting of stormwater, wherein principal forgiveness loans shall be a minimum of 25 percent of the fund loan amount per project in an amount not to exceed $1 million of principal forgiveness per project loan; and

(4) those projects listed in subsection a. of section 2 of this act and subsection a. of section 3 of this act that were previously identified in P.L.2013, c.95 are granted continued priority status and shall be subject to the provisions of P.L.2013, c.95, provided such projects receive short-term funding prior to June 30, 2014.

c. Notwithstanding any provision of this act to the contrary, the department is authorized to make principal forgiveness loans to project sponsors to repair or replace sanitary and stormwater sewers that are identified as having leaks or cracks in the area of Wreck Pond, in Monmouth County, in an amount not to exceed $500,000 which may represent up to 100 percent of the allowable project costs.

d. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection b. of section 3 of this act for drinking water projects, up to the individual amounts indicated and in the priority stated, provided:

(1) a maximum of 15 percent of the 2014 Drinking Water State Revolving Fund loans not to exceed $4 million may be issued as provided in subsection b. of section 3 of this act for drinking water systems, as follows:

(a) up to $500,000 of Drinking Water State Revolving Fund loans shall be available for drinking water systems serving up to 500 residents wherein principal forgiveness shall be 100 percent of the total loan amount; and

(b) any unexpended funds available pursuant to subparagraph (a) of this paragraph, plus up to $3.5 million of Drinking Water State Revolving

Fund loans, shall be available for drinking water systems serving populations up to 10,000 residents wherein principal forgiveness shall not exceed $2 million in aggregate when accounting for the principal forgiveness loans issued pursuant to subparagraph (a) of this paragraph, and shall not exceed 50 percent of the total loan amount per project sponsor in an amount not to exceed $1 million per project sponsor.

Loans for drinking water systems serving 500 or fewer residents shall be given the highest priority, followed by systems serving between 501 to 3,300 residents, and then systems serving between 3,301 to 10,000 residents.

Loans may be made pursuant to this subsection to the extent there are sufficient eligible project applications and as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act. Any such amounts may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of this act, or if a project fails to meet the requirements of section 4 or 5 of this act.

(2) Those projects listed in subsection b. of section 2 of this act and subsection b. of section 3 of this act that were previously identified in P.L.2013, c.95 are granted continued priority status and shall be subject to the provisions of P.L.2013, c.95 provided such projects receive short-term funding prior to June 30, 2014.

e. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990, c.99, section 1 of P.L.1991, c.325, section 1 of P.L.1992, c.38, section 1 of P.L.1993, c.193, section 1 of P.L.1994, c.106, section 1 of P.L.1995, c.219, section 1 of P.L.1996, c.85, section 1 of P.L.1997, c.221, section 2 of P.L.1998, c.84, section 2 of P.L.1999, c.174, section 2 of P.L.2000, c.92, sections 1 and 2 of P.L.2001, c.222, sections 1 and 2 of P.L.2002, c.70, sections 1 and 2 of P.L.2003, c.158, sections 1 and 2 of P.L.2004, c.109, sections 1 and 2 of P.L.2005, c.196, sections 1 and 2 of P.L.2006, c.68, sections 1 and 2 of P.L.2007, c.139, sections 1 and 2 of P.L.2008, c.68, sections 1 and 2 of P.L.2009, c.102, sections 1 and 2 of P.L.2010, c.63, sections 1 and 2 of P.L.2011, c.93, sections 1 and 2 of P.L.2012, c.43, and sections 1 and 2 of P.L.2013, c.95, including amounts resulting from the low bid and final building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of

P.L.1988, c.133, section 6 of P.L.1989, c.189, section 6 of P.L.1990, c.99, section 6 of P.L.1991, c.325, section 6 of P.L.1992, c.38, section 6 of P.L.1993, c.193, section 6 of P.L.1994, c.106, section 6 of P.L.1995, c.219, section 6 of P.L.1996, c.85, section 6 of P.L.1997, c.221, section 7 of P.L.1998, c.84, section 6 of P.L.1999, c.174, section 6 of P.L.2000, c.92, section 6 of P.L.2001, c.222, section 6 of P.L.2002, c.70, section 6 of P.L.2003, c.158, section 6 of P.L.2004, c.109, section 6 of P.L.2005, c.196, section 6 of P.L.2006, c.68, section 6 of P.L.2007, c.139, section 6 of P.L.2008, c.68, section 7 of P.L.2009, c.102, section 6 of P.L.2010, c.63, section 6 of P.L.2011, c.93, section 6 of P.L.2012, c.43, and section 6 of P.L.2013, c.95, and from any repayments of loans and interest from the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "Water Supply Fund," the "1992 Wastewater Treatment Fund," the "2003 Water Resources and Wastewater Treatment Fund," and amounts deposited therein during State fiscal year 2012 and State fiscal year 2015 pursuant to the provisions of section 16 of P.L.1985, c.329, and section 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans and interest from the Drinking Water State Revolving Fund.

f. The department is authorized to make zero interest and principal forgiveness Sandy financing loans to or on behalf of the project sponsors for the Sandy environmental infrastructure projects listed in subsection a. of section 3 of this act for clean water projects and subsection b. of section 3 of this act for drinking water projects, in a manner consistent with the Federal Disaster Relief Appropriations Act, up to the individual amounts indicated, except that any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of this act, or if a project fails to meet the requirements of section 4, 5, or 7 of this act, provided:

(1) a maximum of $296 million shall be provided for Sandy financing loans for clean water projects and $59 million for drinking water projects to provide financial assistance to communities affected by the Storm Sandy, and for projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster; and

(2) a maximum of $20 million shall be provided in the form of principal forgiveness loans for clean water projects and a maximum of $13.3 million in the form of principal forgiveness loans for drinking water projects to provide auxiliary power to publicly-owned facilities affected by Storm Sandy.

g. For the purposes of this act:

"Base financing" means zero interest loans provided by the Department of Environmental Protection from moneys made available for the purposes of this act from any source other than funds received pursuant to the Federal Disaster Relief Appropriations Act, related State matching funds, and interest earned thereon.

"Federal Disaster Relief Appropriations Act" means the "Disaster Relief Appropriations of 2013" (Pub.L.113-2), and any amendatory and supplementary acts thereto.

"Sandy financing" or "Sandy funding" means grants, zero interest loans or principal forgiveness loans provided by the Department of Environmental Protection from funds made available to the State for clean water projects, clean water project match, drinking water projects or drinking water project match pursuant to the Federal Disaster Relief Appropriations Act.

2. a. (1) The department is authorized to expend funds for the purpose of making supplemental zero interest loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects:

Project Sponsor	**Project Number**	**Estimated Allowable DEP Loan Amount**	**Estimated Total Allowable Loan Amount**
Camden County MUA	S340640-10-1	$1,417,500	$1,890,000
Ewing Lawrence SA	S340391-10-1	$1,575,000	$2,100,000
Hopatcong Borough	S340488-03-1	$9,274,500	$12,366,000
Hopatcong Borough	S340488-04-1	$9,274,500	$12,366,000
Merchantville Borough	S340367-02-1	$449,250	$599,000
New Jersey City University	S340111-02-1	$1,067,250	$1,423,000
Total Projects:	**6**	**$23,058,000**	**$30,744,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 7 of this act and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2002, 2003, 2009, 2012, 2013, and 2014 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 4 of P.L.1985, c.329. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in

the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of this act.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection a. of section 3 of this act.

b. (1) The department is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following drinking water environmental infrastructure projects:

Project Sponsor	**Project Number**	**Estimated Allowable DEP Loan Amount**	**Estimated Total Allowable Loan Amount**
Jersey City MUA	0906001-008-1	$1,068,750	$1,425,000
Orange City	0717001-001/2/3/4-1	$1,865,250	$2,487,000
Total Projects:	**2**	**$2,934,000**	**$3,912,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 6 of this act and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 1998, 1999, 2008, and 2013, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 5 of P.L.1981, c.261. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of this act.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection b. of section 3 of this act.

c. The Department of Environmental Protection is authorized to adjust the allowable Department of Environmental Protection loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount.

3. a. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2015 Clean Water Project Priority List":

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
Camden County MUA	S340640-14	$4,242,750	$5,657,000
Camden County MUA	S340640-15	$6,752,250	$9,003,000
Rahway Valley SA	S340547-12	$1,815,750	$2,421,000
Camden County MUA	S340640-16	$3,993,000	$5,324,000
Newark City	S340815-22	$3,819,000	$5,092,000
Camden City	S340366-09	$8,784,750	$11,713,000
Middlesex County UA	S340699-15	$14,353,500	$19,138,000
Elizabeth City	S340942-13	$9,294,750	$12,393,000
Elizabeth City	S340942-16	$6,779,250	$9,039,000
Elizabeth City	S340942-17	$3,984,750	$5,313,000
Jersey City MUA	S340928-11	$3,512,250	$4,683,000
Jersey City MUA	S340928-13	$11,863,500	$15,818,000
Jersey City MUA	S340928-14	$2,045,250	$2,727,000
Jersey City MUA	S340928-15	$23,397,000	$31,196,000
Jersey City MUA	S340928-16	$4,087,500	$5,450,000
Jersey City MUA	S340928-17	$12,283,500	$16,378,000
Jersey City MUA	S340928-18	$4,936,500	$6,582,000
Jersey City MUA	S340928-19	$4,468,500	$5,958,000
Jersey City MUA	S340928-20	$4,956,750	$6,609,000
Bayshore Reg. SA	S340697-05	$32,093,250	$42,791,000
Atlantic County UA	S340809-23	$5,190,750	$6,921,000
Atlantic County UA	S340809-25	$8,286,000	$11,048,000
Atlantic County UA	S340809-26	$1,134,750	$1,513,000
Atlantic County UA	S340809-27	$2,369,250	$3,159,000
Middletown Township SA	S340097-04	$7,003,500	$9,338,000
Hoboken City	S340635-04	$8,790,750	$11,721,000
Pequannock Lincoln Park Fairfield SA	S340880-04	$20,420,250	$27,227,000
North Hudson SA	S340952-19	$3,975,750	$5,301,000
North Hudson SA	S340952-20	$3,325,500	$4,434,000
North Hudson SA	S340952-21	$611,250	$815,000
West Milford Township MUA	S340701-12	$238,500	$318,000
Hackensack City	S340923-10	$3,175,500	$4,234,000
Millville City	S340921-07	$8,122,500	$10,830,000
Passaic Valley SC	S340689-22	$1,981,500	$2,642,000
Passaic Valley SC	S340689-25	$7,968,750	$10,625,000
Bergen County UA	S340386-17	$6,290,250	$8,387,000
Phillipsburg Town	S340874-07	$1,557,000	$2,076,000
Ewing Lawrence SA	S340391-11	$4,875,000	$6,500,000
Hanover SA	S340388-06	$1,662,000	$2,216,000

Gloucester City	S340958-06	$479,250	$639,000
Stony Brook RSA	S340400-07	$42,971,250	$57,295,000
Wanaque Valley Regional SA	S340780-04	$2,909,250	$3,879,000
Raritan Township MUA	S340485-09	$1,963,500	$2,618,000
Stafford Township	S344100-02	$780,000	$1,040,000
Stafford Township	S344100-03	$2,509,500	$3,346,000
Chatham Township (MCJM)	S340715-05a	$951,750	$1,269,000
Madison Township (MCJM)	S340715-05b	$1,545,750	$2,061,000
Maple Shade Township	S340710-09	$1,550,250	$2,067,000
Hammonton Town	S340927-07	$499,500	$666,000
East Orange City Essex-Union Joint Meeting	S340686-07a	$326,250	$435,000
Elizabeth City Essex-Union Joint Meeting	S340686-07b	$4,032,750	$5,377,000
Hillside Township Essex-Union Joint Meeting	S340686-07c	$529,500	$706,000
Irvington City Essex-Union Joint Meeting	S340686-07d	$1,310,250	$1,747,000
Newark City Essex-Union Joint Meeting	S340686-07e	$784,500	$1,046,000
South Orange City Essex-Union Joint Meeting	S340686-07f	$362,250	$483,000
Union City Essex-Union Joint Meeting	S340686-07g	$1,329,750	$1,773,000
West Orange Essex-Union Joint Meeting	S340686-07h	$926,250	$1,235,000
Willingboro MUA	S340132-06	$950,250	$1,267,000
Ocean County	S344080-03	$397,500	$530,000
Ocean County	S344080-04	$990,000	$1,320,000
Ocean County	S344080-07	$157,500	$210,000
Ocean County	S344080-08	$172,500	$230,000
Beachwood Borough	S340208-02	$824,250	$1,099,000
Point Pleasant Beach Borough	S344190-02	$2,421,750	$3,229,000
Ocean Gate Borough	S344180-01	$1,271,250	$1,695,000
Bay Head Borough	S344120-01	$177,750	$237,000
Kearny MUA	S340259-07	$5,307,750	$7,077,000
North Wildwood City	S340663-06	$7,933,500	$10,578,000
Princeton Borough	S340656-08	$2,779,500	$3,706,000
Wildwood Crest Borough	S340719-03	$7,323,750	$9,765,000
Willingboro MUA	S340132-07	$1,412,250	$1,883,000
Ocean Township	S340112-05	$174,750	$233,000
Ocean Township	S340112-06	$3,123,000	$4,164,000
Milltown Borough	S340102-03	$11,576,250	$15,435,000
Tuckerton Borough	S340034-02	$1,534,500	$2,046,000

Stone Harbor Borough	S340722-05	$4,053,000	$5,404,000
Middlesex County UA	S340699-12	$57,756,750	$77,009,000
Middlesex County UA	S340699-13	$11,913,000	$15,884,000
Middlesex County UA	S340699-14	$9,371,250	$12,495,000
Ocean County UA	S340372-53	$2,843,250	$3,791,000
Ocean County UA	S340372-54	$1,581,000	$2,108,000
Atlantic County UA	S340809-24	$558,750	$745,000
Gloucester County UA	S340902-12	$3,734,250	$4,979,000
Rockaway Valley Regional SA	S340821-06	$5,391,750	$7,189,000
Western Monmouth UA	S340128-04	$4,323,000	$5,764,000
Old Bridge MUA	S340945-13	$2,229,000	$2,972,000
South Monmouth Regional SA	S340377-03	$2,323,500	$3,098,000
South Monmouth Regional SA	S34037704	$6,665,250	$8,887,000
Egg Harbor Township MUA	S340753-04	$1,183,500	$1,578,000
Berkeley Township SA	S340969-13	$2,377,500	$3,170,000
Pequannock Lincoln Park Fairfield SA	S340880-05	$4,260,750	$5,681,000
Winslow Township	S340895-09	$645,000	$860,000
Ocean Township SA	S340750-11	$3,762,750	$5,017,000
Ocean Township SA	S340750-12	$2,859,000	$3,812,000
Pequannock River Basin Regional SA	S340459-05	$1,854,000	$2,472,000
Hamilton Township MUA	S340903-05	$1,366,500	$1,822,000
Raritan Township MUA	S340485-10	$1,196,250	$1,595,000
Brigantine City	S340827-04	$1,810,500	$2,414,000
Oradell Borough	S340835-03	$2,509,500	$3,346,000
Spring Lake Borough	S340442-01	$393,750	$525,000
Gloucester County UA	S340902-13	$12,192,750	$16,257,000
Northwest Bergen County UA	S340700-12	$6,399,000	$8,532,000
Atlantic City	S340439-01	$5,091,000	$6,788,000
Atlantic City	S340439-02	$5,010,000	$6,680,000
Secaucus Town	S340029-04	$1,761,750	$2,349,000
Gloucester City	S340958-07	$479,250	$639,000
Hillsborough Township	S340099-02	$1,140,000	$1,520,000
Galloway Township	S340892-09	$64,500	$86,000
Wildwood Crest Borough	S340719-04	$3,147,750	$4,197,000
Middletown Twp.	S340097-01	$3,051,750	$4,069,000
Old Bridge Township	S340945-12	$8,274,000	$11,032,000
Gloucester Township	S340364-11	$496,500	$662,000
Gloucester Township	S340364-12	$885,750	$1,181,000
Carteret Borough	S340939-09	$6,429,750	$8,573,000
Somers Point City	S340618-02	$672,750	$897,000
Ventnor City	S340667-02	$4,040,250	$5,387,000
Ventnor City	S340667-03	$983,250	$1,311,000

Brigantine City	S340827-05	$3,330,750	$4,441,000
Brigantine City	S340827-06	$714,750	$953,000
Highlands Borough	S340901-03	$3,549,000	$4,732,000
Avalon Borough	S340864-02	$1,891,500	$2,522,000
Califon Borough	S340431-01	$524,250	$699,000
Secaucus Town	S342021-01	$14,570,250	$19,427,000
Bellmawr Borough	S342011-02	$7,734,750	$10,313,000
Edison Township	S342020-01	$9,675,000	$12,900,000
Carteret Borough	S340939-07	$10,945,500	$14,594,000
Milltown Borough	S340102-01	$13,188,750	$17,585,000
Milltown Borough	S340102-04	$3,561,750	$4,749,000
Warren Township SA	S340964-01	$2,235,000	$2,980,000
Elizabeth City	S340942-18	$3,471,000	$4,628,000
Elizabeth City	S340942-19	$3,018,750	$4,025,000
North Hudson SA	S340952-22	$9,458,250	$12,611,000
Perth Amboy City	S340435-12	$520,500	$694,000
Warren Township SA	S340964-02	$506,250	$675,000
Cape May County MUA	S340661-22	$2,736,000	$3,648,000
Stony Brook Regional SA	S340400-08	$894,750	$1,193,000
Stony Brook Regional SA	S340400-09	$852,750	$1,137,000
Egg Harbor Twp MUA	S340753-06	$434,250	$579,000
Burlington Township	S340712-13	$383,250	$511,000
Atlantic City	S340439-03	$1,902,000	$2,536,000
Brigantine City	S340827-07	$666,000	$888,000
Cape May County MUA	S342017-04	$3,721,500	$4,962,000
Somerville Borough	S342013-01	$12,421,500	$16,562,000
Total Projects:	**143**	**$688,722,750**	**$918,297,000**

b. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2015 Drinking Water Project Priority List":

Project Sponsor	**Project Number**	**Estimated Allowable DEP Loan Amount**	**Estimated Total Allowable Loan Amount**
Passaic Valley Water Commission	1605002-025/500	$16,716,750	$22,289,000
East Orange Water Commission	0705001-011	$9,147,000	$12,196,000
North Shore Water Assoc.	1904004-004	$121,500	$162,000
North Shore Water Assoc.	1904004-001	$356,250	$475,000
Sea Village Marina	0108021-002	$901,500	$1,202,000

Newark City	0714001-016	$7,375,500	$9,834,000
Newark City	0714001-015	$8,840,250	$11,787,000
Newark City	0714001-017	$1,164,750	$1,553,000
Willingboro MUA	0338001-005/500	$597,750	$797,000
Wildwood City	0514001-002	$2,092,500	$2,790,000
Ocean Township	1520001-006	$1,903,500	$2,538,000
Mountain Shores POA	1414009-001	$680,250	$907,000
Camden City	0408001-018	$4,407,750	$5,877,000
North Jersey District Water Supply Comm.	1613001-022	$11,310,750	$15,081,000
North Jersey District Water Supply Comm.	1613001-025	$4,944,750	$6,593,000
North Jersey District Water Supply Comm.	1613001-026/500	$9,606,750	$12,809,000
North Jersey District Water Supply Comm.	1613001-027	$1,571,250	$2,095,000
North Jersey District Water Supply Comm.	1613001-028	$1,278,000	$1,704,000
North Jersey District Water Supply Comm.	1613001-029	$1,960,500	$2,614,000
Willingboro MUA	0338001-010/500	$612,750	$817,000
Tuckerton Borough	1532002-005	$974,250	$1,299,000
Middlesex Water Company	1225001-016	$4,260,750	$5,681,000
Stafford Township	1530004-018	$1,736,250	$2,315,000
Ocean Township	1520001-500	$732,000	$976,000
Tuckerton Borough	1532002-003	$988,500	$1,318,000
Jersey City/Jersey City MUA	0906001-010	$5,300,250	$7,067,000
Perth Amboy City	1216001-006	$685,500	$914,000
Bellmawr Borough	0404001-005	$474,750	$633,000
Jersey City MUA	0906001-006	$13,503,750	$18,005,000
Rahway City	2013001-007	$13,563,000	$18,084,000
Pemberton Township	0329004-006	$467,250	$623,000
Barnegat Township	1533001-500	$233,250	$311,000
Long Beach Township	1517001-500	$2,707,500	$3,610,000
Long Beach Township	1517001-501	$1,370,250	$1,827,000
Berkeley Township MUA	1505004-007	$912,000	$1,216,000
Beach Haven Borough	1503001-500	$947,250	$1,263,000
Fountainhead Properties, Inc.	1511013-001	$541,500	$722,000
Trenton City	1111001-008	$10,121,250	$13,495,000
Trenton City	1111001-010	$9,543,000	$12,724,000
Stone Harbor Borough	0510001-005	$593,250	$791,000
Gloucester City	0414001-020	$944,250	$1,259,000
Pemberton Township	0329004-007	$1,882,500	$2,510,000
Evesham MUA	0313001-001	$1,472,250	$1,963,000

Marlboro Township	1328002-002	$9,385,500	$12,514,000
Roosevelt Borough	1341001-004	$418,500	$558,000
Milltown Borough	1212001-002	$1,204,500	$1,606,000
Bloomingdale Borough	1601001-004	$815,250	$1,087,000
Milltown Borough	1212001-003	$856,500	$1,142,000
Perth Amboy City	1216001-500	$2,031,000	$2,708,000
Brigantine City	103001-501	$1,160,250	$1,547,000
Clayton Borough	0801001-002	$3,151,500	$4,202,000
Roosevelt Borough	1341001-001	$517,500	$690,000
North Shore Water Assoc.	1904004-002	$321,000	$428,000
Hammonton Town	0113001-007	$702,000	$936,000
Matawan Borough	1329001-005	$777,750	$1,037,000
Old Bridge MUA	1209002-011	$2,441,250	$3,255,000
Pemberton Township	0329004-005	$311,250	$415,000
North Jersey District Water Supply Comm.	1613001-030	$617,250	$823,000
NJ American Water Co., Inc.	2004002-500	$23,625,000	$31,500,000
Brigantine City	103001-500	$1,444,500	$1,926,000
Rahway City	2013001-008	$2,077,500	$2,770,000
Hammonton Town	0113001-010	$177,750	$237,000
Pemberton Township	0329004-008	$294,000	$392,000
West Milford MUA	1615016-002/500	$89,250	$119,000
Hampton Borough	1013001-001	$376,500	$502,000
West Milford MUA	1615018-002/500	$69,000	$92,000
West Milford MUA	1615014-001/500	$89,250	$119,000
West Milford MUA	1615012-002/500	$89,250	$119,000
West Milford MUA	1615002-002/500	$69,000	$92,000
West Milford MUA	1615001-002/500	$69,000	$92,000
West Milford MUA	1615006-002/500	$29,250	$39,000
Pine Beach Borough	1522001-001	$720,000	$960,000
Montclair Township	0713001-008	$1,652,250	$2,203,000
Pine Beach Borough	1522001-002	$360,000	$480,000
Old Bridge MUA	1209002-012	$962,250	$1,283,000
Old Bridge MUA	1209002-500	$1,049,250	$1,399,000
Brielle Borough	1308001-003	$43,500	$58,000
Saddle Brook Township	0257001-002	$1,496,250	$1,995,000
Jersey City/Jersey City MUA	0906001-011	$3,802,500	$5,070,000
Jersey City/Jersey City MUA	0906001-012	$12,482,250	$16,643,000
Perth Amboy City	1216001-007	$1,662,000	$2,216,000
Stafford Township	1530004-019	$1,353,750	$1,805,000
Clinton Town	1005001-006	$2,893,500	$3,858,000
Brielle Borough	1308001-002	$1,840,500	$2,454,000
Little Egg Harbor MUA	1516001-003	$3,429,000	$4,572,000
Little Egg Harbor MUA	1516001-500	$516,750	$689,000

Clinton Town	1005001-007	$798,750	$1,065,000
Total Projects:	**87**	**$247,817,250**	**$330,423,000**

c. The Department of Environmental Protection is authorized to adjust the allowable Department of Environmental Protection loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount and loan amounts to less than 25% to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan.

4. Any financing loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

a. The Commissioner of Environmental Protection has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.225 or P.L.2003, c.162, and any rules and regulations adopted pursuant thereto;

b. The estimated Department of Environmental Protection allowable loan amount shall not exceed 75% of the total allowable loan amount of the environmental infrastructure facility for projects listed in subsections a. and b. of section 2 of this act, and in subsections a. and b. of section 3 of this act, provided that for loans to drinking water systems serving 500 or fewer residents the Department of Environmental Protection allowable loan amount shall be 100% of the total allowable loan amount not to exceed a total of $500,000 for all such loans. The loan amount for supplemental loans shall not exceed that percentage of the allowable project cost of the project's initial program loan;

c. The loan shall be repaid within a period not to exceed 23 years of the making of the loan; and

d. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the New Jersey Environmental Infrastructure Trust pursuant to P.L.2014, c.26, or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

5. a. Any Sandy financing loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

(1) The commissioner has certified that the project is in compliance with the provisions of Title X, Chapter 7 of the Federal Disaster Relief Appropriations Act, and any amendatory and supplementary acts thereto; and

(2) The commissioner has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.225 or P.L.2003, c.162, and any rules and regulations adopted pursuant thereto.

b. The total amount of Sandy financing loans received by any project sponsor for drinking water projects listed in subsection b. of section 3 of this act shall not exceed $15 million of which not more than $11.4 million of the principal may be forgiven. In the event a project sponsor's individual loan needs exceed $15 million, the borrower may select which of its projects it will seek funding pursuant to this section, and the borrower may seek a loan for excess costs in a base financing loan. In the event that additional Sandy funding becomes available because project sponsors do not close on loans or the project sponsors loan requests are less than originally applied for, the loan not to exceed amount may be increased to the extent needed to assure full utilization of Sandy funding for drinking water projects, provided:

(1) the loan shall be repaid within a period not to exceed 23 years of the making of the loan;

(2) the loan shall be conditioned upon approval of a loan from the New Jersey Environmental Infrastructure Trust pursuant to P.L.2014, c.26 prior to June 30, 2015; and

(3) the loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the trust pursuant to P.L.2014, c.26 prior to June 30, 2015, or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

6. The priority lists and authorization for the making of loans pursuant to sections 2 and 3 of this act shall expire on July 1, 2015, and any project sponsor which has not executed and delivered a loan agreement with the department for a loan authorized in this act shall no longer be entitled to that loan.

7. The Commissioner of Environmental Protection is authorized to reduce or increase the individual amount of loan funds made available to or

on behalf of project sponsors pursuant to sections 2 and 3 of this act based upon final or low bid building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329, section 2 of P.L.1999, c.362 (C.58:12A-12.2) or section 5 of P.L.1981, c.261, provided that the total loan amount does not exceed the original loan amount. The commissioner is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act in an amount not to exceed 10 percent of the total allowable loan amount based upon additional project costs to comply with the Department of Environmental Protection's guidance for asset management, emergency response, flood protection, and auxiliary power.

8. The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.225 or P.L.2003, c.162, and the rules and regulations adopted by the Commissioner of Environmental Protection pursuant thereto, and the provisions of the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act or the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto, as appropriate.

9. The Department of Environmental Protection shall provide general technical assistance to any project sponsor requesting assistance regarding environmental infrastructure project development or applications for funds for a project.

10. a. Prior to repayment to the Clean Water State Revolving Fund pursuant to sections 1 and 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, repayments of loans made pursuant to these acts may be utilized by the New Jersey Environmental Infrastructure Trust established pursuant to

P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, under terms and conditions established by the commissioner and trust, and approved by the State Treasurer, and consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and federal tax, environmental or securities law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.2014, c.26, and to secure the administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans.

b. Prior to repayment to the Clean Water State Revolving Fund pursuant to sections 1 and 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, the trust is further authorized to utilize repayments of loans made pursuant to P.L.1989, c.189, P.L.1990, c.99, P.L.1991, c.325, P.L.1992, c.38, P.L.1993, c.193, P.L.1994, c.106, P.L.1995, c.219, P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222, P.L.2002, c.70, P.L.2003, c.158, P.L.2004, c.109, P.L.2005, c.196, P.L.2006, c.68, P.L.2007, c.139, P.L.2008, c.68, P.L.2009, c.102, P.L.2010, c.63, P.L.2011, c.93, P.L.2012, c.43, P.L.2013, c.95, or P.L.2014, c.25 to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, or P.L.2014, c.26, and to secure the administrative fees payable to the trust under these loans pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

c. To the extent that any loan repayment sums are used to satisfy any trust bond repayment or administrative fee payment deficiencies, the trust shall repay such sums to the department for deposit into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992

Wastewater Treatment Fund," the "Water Supply Fund," the Drinking Water State Revolving Fund, the "2003 Water Resources and Wastewater Treatment Fund," or the "Stormwater Management and Combined Sewer Overflow Abatement Fund," as appropriate, from amounts received by or on behalf of the trust from project sponsors causing any such deficiency.

11. The Commissioner of Environmental Protection is authorized to enter into capitalization grant agreements as may be required pursuant to the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act, or the Federal Safe Drinking Water Act.

12. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) from repayments of loans and interest deposited in any account, on or before June 30, 2015, including the "Clean Water State Revolving Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," "2003 Water Resources and Wastewater Treatment Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust shall certify to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the Interim Financing Program Fund, or the Disaster Relief Emergency Financing Program Fund established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

13. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), funds from the Federal Disaster Relief Appropriations Act, Pub.L.113-2, deposited in any account including the Clean Water State Revolving Fund, the "Water Supply Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust certifies to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the Interim Financing Program Fund, or the Disaster Relief Emergency Financing Program Fund established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

14. This act shall take effect immediately.

Approved August 1, 2014.

CHAPTER 26

AN ACT authorizing the expenditure of funds by the New Jersey Environmental Infrastructure Trust for the purpose of making loans to eligible project sponsors to finance a portion of the cost of construction of environmental infrastructure projects, and making an appropriation.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. The New Jersey Environmental Infrastructure Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224 and amended by P.L.2004, c.111, is authorized to expend the aggregate sum of up to $1.28 billion and any unexpended balance of the aggregate expenditures authorized pursuant to section 1 of P.L.2000, c.93, section 1 of P.L.2001, c.224, section 1 of P.L.2002, c.71, section 1 of P.L.2003, c.159, section 1 of P.L.2004, c.110, section 1 of P.L.2005, c.197, section 1 of P.L.2006, c.67, section 1 of P.L.2007, c.140, section 1 of P.L.2008, c.67, section 1 of P.L.2009, c.101, section 1 of P.L.2010, c.62, section 1 of P.L.2011, c.95, section 1 of P.L.2012, c.38, and section 1 of P.L.2013, c.94 for the purpose of making loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance all or a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of this act.

b. The trust is authorized to increase the aggregate sums specified in subsection a. of this section by:

(1) the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act;

(2) the amounts of reserve capacity expenses and debt service reserve fund requirements as provided in subsection c. of section 7 of this act;

(3) the interest earned on amounts deposited for project costs pending their distribution to project sponsors as provided in subsection d. of section 7 of this act;

(4) the amounts of the loan origination fee as provided in subsection e. of section 7 of this act; and

(5) the amount appropriated to the Department of Environmental Protection for the purpose of making zero interest and principal forgiveness loans pursuant to section 3 of P.L.2014, c.25 in connection with the project costs of a particular project sponsor, to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan as provided in subsection f. of section 7 of this act.

c. (1) Of the sums made available to the trust from the "Water Supply Trust Fund" established pursuant to subsection a. of section 15 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) pursuant to P.L.1997, c.223, the trust is authorized to transfer such amounts to the Department of Environmental Protection as needed for drinking water project loans pursuant to the "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act"), under terms and conditions established by the Commissioner of Environmental Protection and trust, and approved by the State Treasurer, which loans shall be jointly administered by the trust and department.

(2) Of the sums appropriated to the trust from the "Wastewater Treatment Trust Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329) pursuant to P.L.1987, c.198, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund established pursuant to section 1 of P.L.2009, c.77 for the purposes of issuing loans or providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the "Water Quality Act of 1987" (33 U.S.C.s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(3) Of the sums appropriated to the trust from the "1992 Wastewater Treatment Trust Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88) pursuant to P.L.1996, c.86, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(4) Of the sums appropriated to the trust from the "Stormwater Management and Combined Sewer Overflow Abatement Fund" created pursuant to section 14 of the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181) pursuant to P.L.1998, c.87, the trust is authorized to transfer such amounts as needed to the Clean

Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(5) Of the sums appropriated to the trust from the "2003 Water Resources and Wastewater Treatment Trust Fund" established pursuant to subsection b. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162) pursuant to P.L.2004, c.110, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) Of the sums appropriated to the trust from repayments of loans deposited in any account, including the "Clean Water State Revolving Fund," "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund" or the Drinking Water State Revolving Fund, as appropriate, pursuant to sections 11 and 12 of P.L.1995, c.219, sections 11 and 12 of P.L.1996, c.85, sections 11 and 12 of P.L.1997, c.221, sections 12 and 13 of P.L.1998, c.84, section 11 of P.L.1999, c.174, section 11 of P.L.2000, c.92, section 11 of P.L.2001, c.222, section 11 of P.L.2002, c.70, section 11 of P.L.2003, c.158, section 11 of P.L.2004, c.109, section 11 of P.L.2005, c.196, section 11 of P.L.2006, c.68, section 10 of P.L.2007, c.140, section 10 of P.L.2008, c.67, section 10 of P.L.2009, c.101, section 10 of P.L.2010, c.62, section 10 of P.L.2011, c.95, section 10 of P.L.2012, c.38, section 10 of P.L.2013, c.94, and section 10 of P.L.2014, c.26 for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the trust shall transfer to the respective fund of origin the unexpended balance of all such moneys no longer utilized by the trust for such purposes.

d. For the purposes of this act:

(1) "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds and the earnings thereon;

(2) "debt service reserve fund expenses" means the debt service reserve fund costs associated with reserve capacity expenses, water supply projects for which the project sponsors are public water utilities as provided in section 9 of P.L.1985, c.334 (C.58:11B-9), other drinking water projects not eligible for, or interested in, State or federal debt service reserve funds pursuant to the "Water Supply Bond Act of 1981," P.L.1981, c.261, as

amended and supplemented by P.L.1997, c.223, and any clean water projects not eligible for, or interested in, State or federal debt service reserve funds from the Clean Water State Revolving Fund;

(3) "issuance expenses" means and includes, but need not be limited to, the costs of financial document printing, bond insurance premiums or other credit enhancement, underwriters' discount, verification of financial calculations, the services of bond rating agencies and trustees, the employment of accountants, attorneys, financial advisors, loan servicing agents, registrars, and paying agents, and any other costs related to the issuance of trust bonds; and

(4) "loan origination fee" means the fee charged by the Department of Environmental Protection and financed under the trust loan to pay a portion of the costs incurred by the department in the implementation of the New Jersey Environmental Infrastructure Financing Program; and

(5) "reserve capacity expenses" means those project costs for reserve capacity not eligible for loans under rules and regulations governing zero interest loans adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329 but which are eligible for loans from the trust in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

e. The trust is authorized to increase the loan amount in the future to compensate for a refunding of the issue, provided adequate savings are achieved, for the loans issued pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, and P.L.2014, c.26.

2. a. (1) The New Jersey Environmental Infrastructure Trust is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects:

Project Sponsor	**Project Number**	**Estimated Allowable Trust Loan Amount**	**Estimated Total Allowable Loan Amount**
Camden County MUA	S340640-10-1	$1,417,500	$1,890,000
Ewing Lawrence SA	S340391-10-1	$1,575,000	$2,100,000
Hopatcong Borough	S340488-03-1	$9,274,500	$12,366,000
Hopatcong Borough	S340488-04-1	$9,274,500	$12,366,000
Merchantville Borough	S340367-02-1	$449,250	$599,000

New Jersey City University	S340111-02-1	$1,067,250	$1,423,000
Projects:	**6**	**$23,058,000**	**$30,744,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 2002, 2003, 2009, 2012, 2013, and 2014 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

(3) The loans authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection a. of section 4 of this act.

b. (1) The trust is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following drinking water environmental infrastructure projects:

Project Sponsor	**Project Number**	**Estimated Allowable Trust Loan Amount**	**Estimated Total Allowable Loan Amount**
Jersey City MUA	0906001-008-1	$1,068,750	$1,425,000
Orange City	0717001-001/2/3/4-1	$1,865,250	$2,487,000
Projects:	**2**	**$2,934,000**	**$3,912,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 1998, 1999, 2008, and 2013 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

(3) The loans for the projects authorized in this subsection shall have priority over environmental infrastructure projects listed in subsection b. of section 4 of this act.

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount and such excess amounts to the extent the priority ranking and an insufficiency of funding prevents the Department of Environmental Protection from making the loan as provided in subsection f. of section 7 of this act.

3. a. The New Jersey Environmental Infrastructure Trust is authorized to make loans to or on behalf of the project sponsors for the clean water projects listed in subsection a. of section 2 and subsection a. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsection b., c., d., e. or f. of section 7 or section 8 of this act.

b. The trust is authorized to make loans to project sponsors for the drinking water projects listed in subsection b. of section 2 and subsection b. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsection b., c., d., e. or f. of section 7 or section 8 of this act.

4. a. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2015 Clean Water Project Priority List":

Project Sponsor	**Project Number**	**Estimated Allowable Trust Loan Amount**	**Estimated Total Allowable Loan Amount**
Camden County MUA	S340640-14	$4,242,750	$5,657,000
Camden County MUA	S340640-15	$6,752,250	$9,003,000
Rahway Valley SA	S340547-12	$1,815,750	$2,421,000
Camden County MUA	S340640-16	$3,993,000	$5,324,000
Newark City	S340815-22	$3,819,000	$5,092,000
Camden City	S340366-09	$8,784,750	$11,713,000

Middlesex County UA	S340699-15	$14,353,500	$19,138,000
Elizabeth City	S340942-13	$9,294,750	$12,393,000
Elizabeth City	S340942-16	$6,779,250	$9,039,000
Elizabeth City	S340942-17	$3,984,750	$5,313,000
Jersey City MUA	S340928-11	$3,512,250	$4,683,000
Jersey City MUA	S340928-13	$11,863,500	$15,818,000
Jersey City MUA	S340928-14	$2,045,250	$2,727,000
Jersey City MUA	S340928-15	$23,397,000	$31,196,000
Jersey City MUA	S340928-16	$4,087,500	$5,450,000
Jersey City MUA	S340928-17	$12,283,500	$16,378,000
Jersey City MUA	S340928-18	$4,936,500	$6,582,000
Jersey City MUA	S340928-19	$4,468,500	$5,958,000
Jersey City MUA	S340928-20	$4,956,750	$6,609,000
Bayshore Reg. SA	S340697-05	$32,093,250	$42,791,000
Atlantic County UA	S340809-23	$5,190,750	$6,921,000
Atlantic County UA	S340809-25	$8,286,000	$11,048,000
Atlantic County UA	S340809-26	$1,134,750	$1,513,000
Atlantic County UA	S340809-27	$2,369,250	$3,159,000
Middletown Township SA	S340097-04	$7,003,500	$9,338,000
Hoboken City	S340635-04	$8,790,750	$11,721,000
Pequannock Lincoln Park Fairfield SA	S340880-04	$20,420,250	$27,227,000
North Hudson SA	S340952-19	$3,975,750	$5,301,000
North Hudson SA	S340952-20	$3,325,500	$4,434,000
North Hudson SA	S340952-21	$611,250	$815,000
West Milford Twp MUA	S340701-12	$238,500	$318,000
Hackensack City	S340923-10	$3,175,500	$4,234,000
Millville City	S340921-07	$8,122,500	$10,830,000
Passaic Valley SC	S340689-22	$1,981,500	$2,642,000
Passaic Valley SC	S340689-25	$7,968,750	$10,625,000
Bergen County UA	S340386-17	$6,290,250	$8,387,000
Phillipsburg Town	S340874-07	$1,557,000	$2,076,000
Ewing Lawrence SA	S340391-11	$4,006,500	$5,342,000
Hanover SA	S340388-06	$1,662,000	$2,216,000
Gloucester City	S340958-06	$479,250	$639,000
Stony Brook RSA	S340400-07	$42,971,250	$57,295,000
Wanaque Valley RSA	S340780-04	$2,909,250	$3,879,000
Raritan Township MUA	S340485-09	$1,963,500	$2,618,000
Stafford Township	S344100-02	$780,000	$1,040,000
Stafford Township	S344100-03	$2,509,500	$3,346,000
Chatham Township (MCJM)	S340715-05a	$951,750	$1,269,000
Madison Township (MCJM)	S340715-05b	$1,545,750	$2,061,000
Maple Shade Township	S340710-09	$1,550,250	$2,067,000
Hammonton Town	S340927-07	$499,500	$666,000

East Orange City Essex-Union Joint Meeting	S340686-07a	$326,250	$435,000
Elizabeth City Essex-Union Joint Meeting	S340686-07b	$4,032,750	$5,377,000
Hillside Township Essex-Union Joint Meeting	S340686-07c	$529,500	$706,000
Irvington City Essex-Union Joint Meeting	S340686-07d	$1,310,250	$1,747,000
Newark City Essex-Union Joint Meeting	S340686-07e	$784,500	$1,046,000
South Orange City Essex-Union Joint Meeting	S340686-07f	$362,250	$483,000
Union City Essex-Union Joint Meeting	S340686-07g	$1,329,750	$1,773,000
West Orange Essex-Union Joint Meeting	S340686-07h	$926,250	$1,235,000
Willingboro MUA	S340132-06	$950,250	$1,267,000
Ocean County	S344080-03	$397,500	$530,000
Ocean County	S344080-04	$990,000	$1,320,000
Ocean County	S344080-07	$157,500	$210,000
Ocean County	S344080-08	$172,500	$230,000
Beachwood Borough	S340208-02	$824,250	$1,099,000
Point Pleasant Beach Borough	S344190-02	$2,421,750	$3,229,000
Ocean Gate Borough	S344180-01	$1,271,250	$1,695,000
Bay Head Borough	S344120-01	$177,750	$237,000
Kearny MUA	S340259-07	$5,307,750	$7,077,000
North Wildwood City	S340663-06	$7,933,500	$10,578,000
Princeton Borough	S340656-08	$2,779,500	$3,706,000
Wildwood Crest Borough	S340719-03	$7,323,750	$9,765,000
Willingboro MUA	S340132-07	$1,412,250	$1,883,000
Ocean Township	S340112-05	$174,750	$233,000
Ocean Township	S340112-06	$3,123,000	$4,164,000
Milltown Borough	S340102-03	$11,576,250	$15,435,000
Tuckerton Borough	S340034-02	$1,534,500	$2,046,000
Stone Harbor Borough	S340722-05	$4,053,000	$5,404,000
Middlesex County UA	S340699-12	$57,756,750	$77,009,000
Middlesex County UA	S340699-13	$11,913,000	$15,884,000
Middlesex County UA	S340699-14	$9,371,250	$12,495,000
Ocean County UA	S340372-53	$2,843,250	$3,791,000
Ocean County UA	S340372-54	$1,581,000	$2,108,000
Atlantic County UA	S340809-24	$558,750	$745,000
Gloucester County UA	S340902-12	$3,734,250	$4,979,000
Rockaway Valley RSA	S340821-06	$5,391,750	$7,189,000
Western Monmouth UA	S340128-04	$4,323,000	$5,764,000

Old Bridge MUA	S340945-13	$2,229,000	$2,972,000
South Monmouth Regional SA	S340377-03	$2,323,500	$3,098,000
South Monmouth Regional SA	S340377-04	$6,665,250	$8,887,000
Egg Harbor Twp MUA	S340753-04	$1,183,500	$1,578,000
Berkeley Township SA	S340969-13	$2,377,500	$3,170,000
Pequannock Lincoln Park Fairfield SA	S340880-05	$4,260,750	$5,681,000
Winslow Township	S340895-09	$645,000	$860,000
Ocean Township SA	S340750-11	$3,762,750	$5,017,000
Ocean Township SA	S340750-12	$2,859,000	$3,812,000
Pequannock River Basin Regional SA	S340459-05	$1,854,000	$2,472,000
Hamilton Township MUA	S340903-05	$1,366,500	$1,822,000
Raritan Township MUA	S340485-10	$1,196,250	$1,595,000
Brigantine City	S340827-04	$1,810,500	$2,414,000
Oradell Borough	S340835-03	$2,509,500	$3,346,000
Spring Lake Borough	S340442-01	$393,750	$525,000
Gloucester County UA	S340902-13	$12,192,750	$16,257,000
Northwest Bergen County UA	S340700-12	$6,399,000	$8,532,000
Atlantic City	S340439-01	$5,091,000	$6,788,000
Atlantic City	S340439-02	$5,010,000	$6,680,000
Secaucus Town	S340029-04	$1,761,750	$2,349,000
Gloucester City	S340958-07	$479,250	$639,000
Hillsborough Township	S340099-02	$1,140,000	$1,520,000
Galloway Township	S340892-09	$64,500	$86,000
Wildwood Crest Borough	S340719-04	$3,147,750	$4,197,000
Middletown Township	S340097-01	$3,051,750	$4,069,000
Old Bridge Township	S340945-12	$8,274,000	$11,032,000
Gloucester Township	S340364-11	$496,500	$662,000
Gloucester Township	S340364-12	$885,750	$1,181,000
Carteret Borough	S340939-09	$6,429,750	$8,573,000
Somers Point City	S340618-02	$672,750	$897,000
Ventnor City	S340667-02	$4,040,250	$5,387,000
Ventnor City	S340667-03	$983,250	$1,311,000
Brigantine City	S340827-05	$3,330,750	$4,441,000
Brigantine City	S340827-06	$714,750	$953,000
Highlands Borough	S340901-03	$3,549,000	$4,732,000
Avalon Borough	S340864-02	$1,891,500	$2,522,000
Califon Borough	S340431-01	$524,250	$699,000
Secaucus Town	S342021-01	$14,570,250	$19,427,000
Bellmawr Borough	S342011-02	$7,734,750	$10,313,000
Edison Township	S342020-01	$9,675,000	$12,900,000
Carteret Borough	S340939-07	$10,945,500	$14,594,000
Milltown Borough	S340102-01	$13,188,750	$17,585,000

Milltown Borough	S340102-04	$3,561,750	$4,749,000
Warren Township SA	S340964-01	$2,235,000	$2,980,000
Elizabeth City	S340942-18	$3,471,000	$4,628,000
Elizabeth City	S340942-19	$3,018,750	$4,025,000
North Hudson SA	S340952-22	$9,458,250	$12,611,000
Perth Amboy City	S340435-12	$520,500	$694,000
Warren Township SA	S340964-02	$506,250	$675,000
Cape May County MUA	S340661-22	$2,736,000	$3,648,000
Stony Brook Regional SA	S340400-08	$894,750	$1,193,000
Stony Brook Regional SA	S340400-09	$852,750	$1,137,000
Egg Harbor Twp MUA	S340753-06	$434,250	$579,000
Burlington Township	S340712-13	$383,250	$511,000
Atlantic City	S340439-03	$1,902,000	$2,536,000
Brigantine City	S340827-07	$666,000	$888,000
Cape May County MUA	S342017-04	$3,721,500	$4,962,000
Somerville Borough	S342013-01	$12,421,500	$16,562,000
Total Projects:	**143**	**$688,722,750**	**$918,297,000**

b. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2015 Drinking Water Project Priority List":

Project Sponsor	**Project Number**	**Estimated Allowable Trust Loan Amount**	**Estimated Total Allowable Loan Amount**
Passaic Valley Water Commission	1605002-025/500	$16,716,750	$22,289,000
East Orange Water Commission	0705001-011	$9,147,000	$12,196,000
North Shore Water Assoc.	1904004-004	$121,500	$162,000
North Shore Water Assoc.	1904004-001	$356,250	$475,000
Sea Village Marina	0108021-002	$901,500	$1,202,000
Newark City	0714001-016	$7,375,500	$9,834,000
Newark City	0714001-015	$8,840,250	$11,787,000
Newark City	0714001-017	$1,164,750	$1,553,000
Willingboro MUA	0338001-005/500	$597,750	$797,000
Wildwood City	0514001-002	$2,092,500	$2,790,000
Ocean Township	1520001-006	$1,903,500	$2,538,000
Mountain Shores POA	1414009-001	$680,250	$907,000
Camden City	0408001-018	$4,407,750	$5,877,000
North Jersey District Water Supply Comm.	1613001-022	$11,310,750	$15,081,000

North Jersey District Water Supply Comm.	1613001-025	$4,944,750	$6,593,000
North Jersey District Water Supply Comm.	1613001-026/500	$9,606,750	$12,809,000
North Jersey District Water Supply Comm.	1613001-027	$1,571,250	$2,095,000
North Jersey District Water Supply Comm.	1613001-028	$1,278,000	$1,704,000
North Jersey District Water Supply Comm.	1613001-029	$1,960,500	$2,614,000
Willingboro MUA	0338001-010/500	$612,750	$817,000
Tuckerton Borough	1532002-005	$974,250	$1,299,000
Middlesex Water Company	1225001-016	$4,260,750	$5,681,000
Stafford Township	1530004-018	$1,736,250	$2,315,000
Ocean Township	1520001-500	$732,000	$976,000
Tuckerton Borough	1532002-003	$988,500	$1,318,000
Jersey City/Jersey City MUA	0906001-010	$5,300,250	$7,067,000
Perth Amboy City	1216001-006	$685,500	$914,000
Bellmawr Borough	0404001-005	$474,750	$633,000
Jersey City MUA	0906001-006	$13,503,750	$18,005,000
Rahway City	2013001-007	$13,563,000	$18,084,000
Pemberton Township	0329004-006	$467,250	$623,000
Barnegat Township	1533001-500	$233,250	$311,000
Long Beach Township	1517001-500	$2,707,500	$3,610,000
Long Beach Township	1517001-501	$1,370,250	$1,827,000
Berkeley Township MUA	1505004-007	$912,000	$1,216,000
Beach Haven Borough	1503001-500	$947,250	$1,263,000
Fountainhead Properties, Inc.	1511013-001	$541,500	$722,000
Trenton City	1111001-008	$10,121,250	$13,495,000
Trenton City	1111001-010	$9,543,000	$12,724,000
Stone Harbor Borough	0510001-005	$593,250	$791,000
Gloucester City	0414001-020	$944,250	$1,259,000
Pemberton Township	0329004-007	$1,882,500	$2,510,000
Evesham MUA	0313001-001	$1,472,250	$1,963,000
Marlboro Township	1328002-002	$9,385,500	$12,514,000
Roosevelt Borough	1341001-004	$418,500	$558,000
Milltown Borough	1212001-002	$1,204,500	$1,606,000
Bloomingdale Borough	1601001-004	$815,250	$1,087,000
Milltown Borough	1212001-003	$856,500	$1,142,000
Perth Amboy City	1216001-500	$2,031,000	$2,708,000
Brigantine City	103001-501	$1,160,250	$1,547,000
Clayton Borough	0801001-002	$3,151,500	$4,202,000
Roosevelt Borough	1341001-001	$517,500	$690,000
North Shore Water Assoc.	1904004-002	$321,000	$428,000

Hammonton Town	0113001-007	$702,000	$936,000
Matawan Borough	1329001-005	$777,750	$1,037,000
Old Bridge MUA	1209002-011	$2,441,250	$3,255,000
Pemberton Township	0329004-005	$311,250	$415,000
North Jersey District Water Supply Comm.	1613001-030	$617,250	$823,000
NJ American Water Co., Inc.	2004002-500	$23,625,000	$31,500,000
Brigantine City	103001-500	$1,444,500	$1,926,000
Rahway City	2013001-008	$2,077,500	$2,770,000
Hammonton Town	0113001-010	$177,750	$237,000
Pemberton Township	0329004-008	$294,000	$392,000
West Milford MUA	1615016-002/500	$89,250	$119,000
Hampton Borough	1013001-001	$376,500	$502,000
West Milford MUA	1615018-002/500	$69,000	$92,000
West Milford MUA	1615014-001/500	$89,250	$119,000
West Milford MUA	1615012-002/500	$89,250	$119,000
West Milford MUA	1615002-002/500	$69,000	$92,000
West Milford MUA	1615001-002/500	$69,000	$92,000
West Milford MUA	1615006-002/500	$29,250	$39,000
Pine Beach Borough	1522001-001	$720,000	$960,000
Montclair Township	0713001-008	$1,652,250	$2,203,000
Pine Beach Borough	1522001-002	$360,000	$480,000
Old Bridge MUA	1209002-012	$962,250	$1,283,000
Old Bridge MUA	1209002-500	$1,049,250	$1,399,000
Brielle Borough	1308001-003	$43,500	$58,000
Saddle Brook Township	0257001-002	$1,496,250	$1,995,000
Jersey City/Jersey City MUA	0906001-011	$3,802,500	$5,070,000
Jersey City/Jersey City MUA	0906001-012	$12,482,250	$16,643,000
Perth Amboy City	1216001-007	$1,662,000	$2,216,000
Stafford Township	1530004-019	$1,353,750	$1,805,000
Clinton Town	1005001-006	$2,893,500	$3,858,000
Brielle Borough	1308001-002	$1,840,500	$2,454,000
Little Egg Harbor MUA	1516001-003	$3,429,000	$4,572,000
Little Egg Harbor MUA	1516001-500	$516,750	$689,000
Clinton Town	1005001-007	$798,750	$1,065,000
Total Projects:	**87**	**$247,817,250**	**$330,423,000**

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 0% and 75% of the total allowable loan amount, and such excess amounts to the extent the priority ranking and an insufficiency of funding prevents the Department of Environmental Protection from making the loan as provided in subsection f. of section 7 of this act, and up to 100% of the total allowable loan amount for

projects certified by the Department of Environmental Protection pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

5. In accordance with and subject to the provisions of sections 5, 6 and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6, and 58:11B-23) and as set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21), or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1), any proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects listed in sections 2 and 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of and interest and premium on the trust bonds whether due at stated maturity, the interest payment dates or earlier upon redemption. A portion of the proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses; for the payment of reserve capacity expenses; for the payment of debt service reserve fund expenses for the payment of the loan origination fees; and for the payment of increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

6. Any loan made by the New Jersey Environmental Infrastructure Trust pursuant to this act shall be subject to the following requirements:

a. The chairman of the trust has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.334, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.224, P.L.1997, c.225, P.L.1999, c.175 or P.L.2003, c.162, and any rules and regulations adopted pursuant thereto, and any amendatory and supplementary acts thereto, as applicable. In making this certification, the chairman may conclusively rely on the project review conducted by the Department of Environmental Protection without any independent review thereof by the trust;

b. The loan shall be conditioned upon inclusion of the project on a project priority list approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or section 24 of P.L.1997, c.224 (C.58:11B-20.1);

c. The loan shall be repaid within a period not to exceed 20 years of the making of the loan;

d. The loan, including any portion thereof made by the trust pursuant to subsection f. of section 7 of this act, shall not exceed the allowable project cost of the environmental infrastructure facility, exclusive of capital-

ized interest and issuance expenses as provided in subsection b. of section 7 of this act, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c. of section 7 of this act, interest earned on project costs as provided in subsection d. of section 7 of this act, the amounts of the loan origination fee as provided in subsection e. of section 7 of this act, refunding increases as provided in section 8 of this act and increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27);

e. The loan shall bear interest, exclusive of any late charges or administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans, at or below the interest rate paid by the trust on the bonds issued to make or refund the loans authorized by this act, adjusted for underwriting discount and original issue discount or premium, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1); and

f. The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto, and with the financial plan required by section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1).

The priority lists and authorization for the making of loans pursuant to this act shall expire on July 1, 2015, and any project sponsor which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

7. a. The New Jersey Environmental Infrastructure Trust is authorized to reduce the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 4 of this act based upon final building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27) or rules and regulations adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or section 5 of P.L.1981, c.261. The trust is authorized to use any such reduction in the loan amount made available to a project sponsor to cover that project sponsor's increased costs due to differing site conditions or other allowable expenses as defined and de-

termined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to this act; provided that the increase for issuance expenses, excluding underwriters' discount, original issue discount or premiums, municipal bond insurance premiums and bond rating agency fees, shall not exceed 0.4% of the principal amount of trust bonds issued to make loans authorized by this act.

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of reserve capacity expenses, and by the debt service reserve fund expenses associated with the costs identified in paragraphs (3) and (4) of subsection d. of section 1 of this act.

d. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the interest earned on amounts deposited for project costs pending their distribution to project sponsors.

e. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the loan origination fee.

f. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount appropriated to the Department of Environmental Protection for the purpose of making the corresponding zero interest loan pursuant to section 3 of P.L.2014, c.25 in connection with the project costs of the project sponsor, to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan.

8. The New Jersey Environmental Infrastructure Trust is authorized to increase the individual amount of loan funds made available to project sponsors by the trust pursuant to P.L.1989, c.190, P.L.1990, c.97, P.L.1991, c.324, P.L.1992, c.37, P.L.1993, c.192, P.L.1994, c.105, P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, or P.L.2014, c.26, provided that adequate savings are achieved, to compensate for a refunding of trust bonds issued to make loans authorized by the aforementioned acts.

9. The expenditure of funds authorized pursuant to this act is subject to the provisions of P.L.1977, c.224 (C.58:12A-1 et al.), P.L.1985, c.329, P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by

P.L.1997, c.224, P.L.1992, c.88, P.L.1989, c.181, P.L.1997, c.223, P.L.1997, c.225, P.L.1999, c.175, or P.L.2003, c.162, and the rules and regulations adopted pursuant thereto or the Federal Safe Drinking Water Act, as appropriate.

10. a. There is appropriated to the New Jersey Environmental Infrastructure Trust as needed from repayments of loans deposited in any account, including the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, the sum of $200,000,000 consisting of:

(1) The unexpended balance of $100,000,000 currently on deposit in the special fund (hereinafter referred to as the "Interim Financing Program Fund") created and established by the trust for the short-term or temporary loan financing or refinancing program (hereinafter referred to as the "Interim Financing Program") authorized pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), which balance previously had been appropriated to the trust for such purpose pursuant to section 12 of P.L.2004, c.109, less any Interim Financing Program Fund amounts appropriated to the Department of Environmental Protection to supplement the sums appropriated from the Clean Water State Revolving Fund for clean water projects pursuant to the Federal Clean Water Act; and

(2) such other amounts to be deposited in the Interim Financing Program Fund, provided that the amount so reappropriated and appropriated to the trust for deposit in the Interim Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Interim Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list (hereinafter referred to as the "Interim Financing Program Eligibility List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

b. The Interim Financing Program Eligibility List shall be submitted on the same day to the Secretary of the Senate and the Clerk of the General Assembly on or before June 18, 2014. The Secretary of the Senate and the Clerk of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Financing Program Eligibility List

shall not be eligible for a short-term or temporary loan from the Interim Financing Program Fund.

11. a. There is appropriated to the New Jersey Environmental Infrastructure Trust for deposit in the special fund created and established by the trust for the short-term or temporary Disaster Relief Emergency Financing Program loan financing or refinancing program (hereinafter referred to as the "Disaster Relief Emergency Financing Program") authorized pursuant to subsection a. of section 1 of P.L.2013, c.93 (C.58:11B-9.5) such sums as needed consisting of:

(1) sums from the "Interim Financing Program Fund" as needed by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof; and

(2) such other amounts to be deposited in the Disaster Relief Emergency Financing Program Fund, provided that the amount so appropriated to the trust for deposit in the Disaster Relief Emergency Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof. Any projects funded by the Disaster Relief Emergency Financing Program shall be subject to the approval of the Commissioner of Environmental Protection.

b. The Disaster Relief Emergency Financing Program Eligibility List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. Any environmental infrastructure project or the project sponsor thereof not identified in the Disaster Relief Emergency Financing Program Eligibility List shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

12. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the trust shall not be required to adopt rules and regulations governing the making of Disaster Relief Emergency Financing Program loans.

13. This act shall take effect immediately.

Approved August 1, 2014.

CHAPTER 27

AN ACT designating U.S. Route 22 bridge, the Easton-Phillipsburg Toll Bridge, between Phillipsburg, New Jersey and Easton, Pennsylvania as the "Sergeant William John Cahir Memorial Bridge."

WHEREAS, William John Cahir, a graduate of Pennsylvania State University, worked as a newspaper correspondent for the Express-Times, providing news coverage to Warren and Hunterdon counties in New Jersey and Lehigh and Northampton counties in Pennsylvania, and for Newhouse News Service, during which time his work regularly appeared in numerous New Jersey-based newspapers; and

WHEREAS, Throughout his life, William Cahir was committed to public service, working for United States Senator Edward Kennedy and United States Senator Harris Wofford, and running for Congress in Pennsylvania's 5th Congressional District in 2008; and

WHEREAS, After the terror attacks against the United States on September 11, 2001, William Cahir enlisted in the United States Marine Corps Reserve at the age of 34, where he went to great lengths to obtain an age waiver and eventually rose to the rank of Sergeant; and

WHEREAS, Sergeant Cahir was assigned to the 4th Civil Affairs Group, Marine Forces Reserve based in Washington, D.C., completed two tours in Iraq, and in 2009, was deployed for a tour in Afghanistan to support Operation Enduring Freedom; and

WHEREAS, On August 13, 2009, while completing his third tour, Sergeant Cahir was tragically shot and killed by enemy fire while on a dismounted patrol during Eastern Resolve II, a pre-dawn offensive operation in Helmand Province, Afghanistan, that was intended to cut Taliban trade and supply lines in order to allow local residents to vote in the Afghan presidential election; and

WHEREAS, For his heroism, Sergeant Cahir received the Bronze Star, the Purple Heart, and other decorations; and

WHEREAS, Sergeant Cahir was survived by his wife, Rene, who at the time of his death was pregnant with their twin daughters, Caroline and Elizabeth; and

WHEREAS, The Easton-Phillipsburg Toll Bridge, operated by the Delaware River Joint Toll Bridge Commission, connects the counties in New Jersey and Pennsylvania that were served by the newspaper for which Sergeant Cahir reported; and

WHEREAS, It is altogether fitting and proper for the State of New Jersey to honor the life and sacrifice of Sergeant William John Cahir by designating U.S. Route 22 bridge over the Delaware River between Phillipsburg, New Jersey and Easton, Pennsylvania, known as the Easton-Phillipsburg Toll Bridge, as the "Sergeant William John Cahir Memorial Bridge"; now, therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Executive Director of the Delaware River Joint Toll Bridge Commission shall designate the U.S. Route 22 bridge crossing the Delaware River between Phillipsburg, New Jersey and Easton, Pennsylvania, known as the Easton-Phillipsburg Toll Bridge, as the "Sergeant William John Cahir Memorial Bridge," and erect appropriate signs bearing this name.

2. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act.

3. This act shall take effect immediately, but shall remain inoperative until the enactment into law of legislation substantially similar to P.L.2014, c.27 by the Commonwealth of Pennsylvania, but if such legislation shall have been enacted prior to the enactment of this act, this act shall take effect immediately.

Approved August 1, 2014.

CHAPTER 28

AN ACT concerning environmental infrastructure projects, amending and supplementing P.L.1985, c.334, and amending P.L.1997, c.224.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.58:11B-9.6 "Equipment Loan Fund," "Equipment Loan Program."

1. a. The trust shall create and establish a special fund (hereinafter referred to as the "Equipment Loan Fund") for the short-term or temporary equipment loan program of the trust (hereinafter referred to as the "Equipment Loan Program").

The Equipment Loan Fund shall be credited with:

(1) moneys deposited in the fund as administrative fees received by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5);

(2) moneys received by the trust as repayment of the principal of and the interest or premium on loans made from the fund;

(3) any interest earnings received on the moneys in the fund;

(4) such other moneys as the Legislature may appropriate to the trust for deposit into the fund at any time to finance or refinance short-term or temporary loans pursuant to the Equipment Loan Program;

(5) the proceeds of any bonds, notes or other obligations that may be issued by the trust from time to time in any principal amounts as in the judgment of the trust shall be necessary or appropriate to provide sufficient funds for deposit into the fund to finance or refinance short-term or temporary loans pursuant to the Equipment Loan Program; and

(6) any other source of available funds that may be deemed by the trust to be necessary or appropriate to provide sufficient funds for deposit into the fund to finance or refinance short-term or temporary loans pursuant to the Equipment Loan Program, including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle, that may be procured by the trust pursuant to the provisions of section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the fund to finance or refinance short-term or temporary loans pursuant to the Equipment Loan Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may make short-term or temporary equipment loans to: (1) local government units to finance wastewater treatment system equipment projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 20 of P.L.1985, c.332 (C.58:11B-20); or (2) public water utilities or private persons to finance water supply equipment projects not included on the project priority list for the ensuing fiscal year or eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1).

The loans may be made without regard to any other provisions of P.L.1985, c.334 or P.L.1997, c.224, including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Financing Program Eligibility List pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals.

2. Section 21 of P.L.1985, c.334 (C.58:11B-21) is amended to read as follows:

C.58:11B-21 Financial plan.

21. On or before May 15 of each year, the trust shall submit to the Legislature a financial plan designed to implement the financing of the wastewater treatment system projects either on the project priority list approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or as otherwise approved by the Legislature. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units or private persons, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a wastewater treatment system project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering its proposed operations during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each wastewater treatment system project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned wastewater treatment system projects.

The financial plan shall identify the wastewater treatment system projects financed during the prior fiscal year through the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), including a project description, the amount of the Disaster Relief Emergency Financing Program loan for each project, and the duration of such Disaster Relief Emergency Financing Program loan.

The financial plan shall also identify the wastewater treatment system projects financed during the prior fiscal year by the Interim Financing Program established pursuant to subsection d. of section 9 of P.L.1985, c.224 (C.58:11B-9) and the Equipment Loan Program established pursuant to section 1 of P.L.2014, c.28 (C.58:11B-9.6), including a project description, the amount of the loan provided for each project, and the duration of each loan.

3. Section 25 of P.L.1997, c.224 (C.58:11B-21.1) is amended to read as follows:

C.58:11B-21.1 Submission of financial plan to Legislature.

25. On or before May 15 of each year, the trust shall submit to the Legislature a financial plan designed to implement the financing of the water supply projects either on the project priority list approved pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1) or as otherwise approved by the Legislature. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units, public water utilities, or to any other person or local government unit on behalf of a public water utility, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a water supply project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering its proposed operations during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each water supply project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned water supply projects.

The financial plan shall identify the water supply projects financed during the prior fiscal year through the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), including a project description, the amount of the Disaster Relief Emergency Financing Program loan for each project, and the duration of such Disaster Relief Emergency Financing Program loan.

The financial plan shall also identify the water supply projects financed during the prior fiscal year by the Interim Financing Program established pursuant to subsection d. of section 9 of P.L.1985, c.224 (C.58:11B-9) and the Equipment Loan Program established pursuant to section 1 of P.L.2014, c.28 (C.58:11B-9.6), including a project description, the amount of the loan provided for each project, and the duration of each loan.

New Jersey State Library

4. Section 22 of P.L.1985, c.334 (C.58:11B-22) is amended to read as follows:

C.58:11B-22 Submission of financial plan, details; approval.

22. a. The trust shall submit the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) to the Secretary of the Senate and the Clerk of the General Assembly on the same day on or before May 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively.

b. Unless the financial plan as described in the submission is approved by adoption of a concurrent resolution of both houses within the time period prescribed in this subsection, the financial plan shall be deemed disapproved and the trust shall not undertake any of the proposed activities contained therein. The President and the Speaker shall cause a concurrent resolution of approval of the trust's financial plan to be placed before the members of the respective houses for a recorded vote within the time period. The time period shall commence on the day of submission and expire on June 30 of the year of submission.

5. Section 26 of P.L.1997, c.224 (C.58:11B-22.1) is amended to read as follows:

C.58:11B-22.1 Submission of financial plan, details; approval.

26. a. The trust shall submit the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1) to the Secretary of the Senate and the Clerk of the General Assembly on the same day on or before May 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively.

b. Unless the financial plan as described in the submission is approved by adoption of a concurrent resolution of both houses within the time period prescribed in this subsection, the financial plan shall be deemed disapproved and the trust shall not undertake any of the proposed activities contained therein. The President and the Speaker shall cause a concurrent resolution of approval of the trust's financial plan to be placed before the members of the respective houses for a recorded vote within the time period. The time period shall commence on the day of submission and expire on June 30 of the year of submission.

6. This act shall take effect immediately.

Approved August 1, 2014.

CHAPTER 29

AN ACT concerning licensure of health care service firms and amending and supplementing P.L.2002, c.126.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.2002, c.126 (C.34:8-45.1) is amended to read as follows:

C.34:8-45.1 Consideration as Health Care Service Firm; terms defined.

1. a. Notwithstanding any other law or regulation to the contrary, an employment agency required to be licensed pursuant to P.L.1989, c.331 (C.34:8-43 et al.), or any other firm, company, business, agency, or other entity that is not a home health care agency licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) or a hospice licensed pursuant to P.L.1997, c.78 (C.26:2H-79 et seq.), which places or arranges for the placement of personnel to provide companion services, health care, or personal care services in the personal residence of a person with a disability or a senior citizen age 60 or older, regardless of the title by which the provider of the services is known, shall be registered as a Health Care Service Firm pursuant to N.J.A.C.13:45B-13.1 et seq. and shall be subject to the rules and regulations governing Health Care Service Firms adopted by the Division of Consumer Affairs in the Department of Law and Public Safety.

As used in this section:

"Companion services" means non-medical, basic supervision and socialization services which do not include assistance with activities of daily living, and which are provided in the individual's home. Companion services may include the performance of household chores.

"Health care services" means any services rendered for the purpose of maintaining or restoring an individual's physical or mental health or any health-related services, and for which a license or certification is required as a pre-condition to the rendering of such services.

"Personal care services" means services performed by licensed or certified personnel for the purpose of assisting an individual with activities of

daily living that may involve physical contact. Services include, but are not limited to, bathing, toileting, transferring, dressing, grooming, and assistance with ambulation, exercise, or other aspects of personal hygiene.

b. (Deleted by amendment, P.L.2014, c.29)

c. As a condition of being registered under P.L.1989, c.331 (C.34:8-43 et al.), a health care service firm shall obtain within 12 months of registration accreditation from an accrediting body that is recognized by the Commissioner of Human Services as an accrediting body for homemaker agencies participating in the Medicaid program, as set forth at N.J.A.C.10:60-1.2. For purposes of accreditation pursuant to this subsection, the accrediting body shall apply the standards set forth in N.J.A.C.13:37-14.1 et seq. and N.J.A.C.13:45B-13.1 et seq., as applicable.

d. As a condition of registration under P.L.1989, c.331 (C.34:8-43 et al.), every health care service firm shall submit to the director an audit the third calendar year after registration and every third year thereafter. The audit shall be conducted by a certified public accountant licensed by the State of New Jersey and shall encompass an examination of the subject firm's financial records, financial statements, the general management of its operations, and its internal control systems. The audit shall include an audit report with an unqualified opinion and shall be accompanied by any management letters prepared by the auditor in connection with the audit commenting on the internal controls or management practices of the health care service firm. The audit shall be divided into two components: compliance and financial. The compliance component of the audit shall evaluate the firm's compliance with relevant laws and regulations governing health care service firms. The financial component shall include an audit of the financial statements and accompanying notes, as specified in the Statements on Auditing Standards issued by the American Institute of Certified Public Accountants.

C.34:8-45.1a Memorandum of understanding.

2. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall enter into a memorandum of understanding with an accrediting body chosen by the director through appropriate procurement processes authorized to accredit a health care service firm pursuant to subsection c. of section 1 of P.L.2002, c.126 (C.34:8-45.1). The memorandum of understanding shall establish the standards for accreditation and for reporting the results of audits performed pursuant to subsection d. of section 1 of P.L.2002, c.126 to the Division.

C.34:8-45.1b Report to Governor, Legislature.

3. No more than three years after the enactment of P.L.2014, c.29, the Director of the Division of Consumer Affairs shall submit a written report to the Governor and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), providing a comprehensive review and analysis on the effectiveness of the licensure, accreditation, and audit provisions of P.L.2014, c.29 and recommendations for any additional resources necessary to make such provisions more effective.

C.34:8-45.1c Rules, regulations.

4. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to effectuate the purposes of this act.

5. This act shall take effect on the first day of the eighteenth month next following the date of enactment, but the Director of the Division of Consumer Affairs may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved August 1, 2014.

CHAPTER 30

AN ACT designating State Highway Route No. 71 bridge between the Borough of Belmar and the Borough of Avon-by-the-Sea as the "Robert A. Briant, Sr. Memorial Bridge."

WHEREAS, Robert A. Briant, Sr., a lifelong resident of New Jersey and for many years a resident of Manasquan, served as the Chief Executive Officer of the Utility and Transportation Contractors Association of New Jersey (UTCA) for 34 years; and

WHEREAS, Under Mr. Briant's leadership, the UTCA grew in the number of member firms as well as prominence within the industry; and

WHEREAS, Mr. Briant served on various State committees and worked closely with New Jersey's congressional delegation concerning bond issuances in the areas of wastewater, water supply, transportation, flood control, green acres, and hazardous remediation; and

WHEREAS, Mr. Briant served on a State advisory committee that assisted the United States Environmental Protection Agency and the Department of Environmental Protection in administering wastewater grant programs; and

WHEREAS, Mr. Briant also served as Chairman of the Construction Grants Delegation Committee of the Department of Environmental Protection, which developed the transitional procedure for final approval by the United States Environmental Protection Agency for State management of wastewater grant programs; and

WHEREAS, Mr. Briant worked closely with Department of Environmental Protection Commissioner Robert Hughey in creating the New Jersey Environmental Infrastructure Trust, later serving as Chairman of the trust for 10 years; and

WHEREAS, Throughout his life and career, Mr. Briant tirelessly worked to improve the infrastructure of the State of New Jersey; and

WHEREAS, It is altogether fitting and proper for the State of New Jersey to honor the life and work of Robert A. Briant, Sr. by designating the State Highway Route No. 71 bridge between the Borough of Belmar and the Borough of Avon-by-the-Sea as the "Robert A. Briant, Sr. Memorial Bridge"; now, therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Commissioner of Transportation shall designate the State Highway Route No. 71 bridge between the Borough of Belmar and the Borough of Avon-by-the-Sea as the "Robert A. Briant, Sr. Memorial Bridge," and erect appropriate signs bearing this name.

2. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with such private sources, including but not limited to nongovernmental non-profit, educational, or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the Department of Transportation until an agreement has been reached with a

responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved August 1, 2014.

CHAPTER 31

AN ACT concerning court administration, supplementing Titles 2A and 2B of the New Jersey Statutes, and amending P.L.1995, c.325.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2A:162-15 Liberal construction.

1. The provisions of sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.) shall be liberally construed to effectuate the purpose of primarily relying upon pretrial release by non-monetary means to reasonably assure an eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, and that the eligible defendant will comply with all conditions of release, while authorizing the court, upon motion of a prosecutor, to order pretrial detention of the eligible defendant when it finds clear and convincing evidence that no condition or combination of conditions can reasonably assure the effectuation of these goals. Monetary bail may be set for an eligible defendant only when it is determined that no other conditions of release will reasonably assure the eligible defendant's appearance in court when required.

For the purposes of sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.), "eligible defendant" shall mean a person for whom a complaint-warrant is issued for an initial charge involving an indictable offense or a disorderly persons offense unless otherwise provided in sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.).

C.2A:162-16 Detaining eligible defendant during preparation of risk assessment prior to trial.

2. a. An eligible defendant, following the issuance of a complaint-warrant pursuant to the conditions set forth under subsection c. of this sec-

tion, shall be temporarily detained to allow the Pretrial Services Program to prepare a risk assessment with recommendations on conditions of release pursuant to section 11 of P.L.2014, c.31 (C.2A:162-25) and for the court to issue a pretrial release decision.

b. (1) Except as otherwise provided under sections 4 and 5 of P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19), the court, pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17), shall make a pretrial release decision for the eligible defendant without unnecessary delay, but in no case later than 48 hours after the eligible defendant's commitment to jail. The court shall consider the Pretrial Services Program's risk assessment and recommendations on conditions of release before making any pretrial release decision for the eligible defendant.

(2) After considering all the circumstances, the Pretrial Services Program's risk assessment and recommendations on conditions of release, and any information that may be provided by a prosecutor or the eligible defendant, the court shall order that the eligible defendant be:

(a) released on the eligible defendant's own recognizance or on execution of an unsecured appearance bond; or

(b) released on a non-monetary condition or conditions, with the condition or conditions being the least restrictive condition or combination of conditions that the court determines will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process; or

(c) released on monetary bail, other than an unsecured appearance bond, to reasonably assure the eligible defendant's appearance in court when required, or a combination of monetary bail and non-monetary conditions, to reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process; or

(d) detained in jail, upon motion of the prosecutor, pending a pretrial detention hearing pursuant to sections 4 and 5 of P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19).

c. A law enforcement officer shall not apply for a complaint-warrant except in accordance with guidelines issued by the Attorney General, and a court may not issue a complaint-warrant except as may be authorized by the Rules of Court.

d. (1) A defendant who is charged on a complaint-summons shall be released from custody and shall not be subject to the provisions of sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.).

(2) (a) If a defendant who was released from custody after being charged on a complaint-summons pursuant to paragraph (1) of this subsection is subsequently arrested on a warrant for failure to appear in court when required, that defendant shall be eligible for release on personal recognizance or release on bail by sufficient sureties at the discretion of the court. If monetary bail was not set when an arrest warrant for the defendant was issued, the defendant shall have monetary bail set without unnecessary delay, but in no case later than 12 hours after arrest. Pursuant to the Rules of Court, if the defendant is unable to post monetary bail, the defendant shall have that bail reviewed promptly and may file an application with the court seeking a bail reduction, which shall be heard in an expedited manner.

(b) If the defendant fails to post the required monetary bail set by the court pursuant to this paragraph, the defendant may not be detained on the charge or charges contained in the complaint-summons beyond the maximum term of incarceration or term of probation supervision for the offense or offenses charged.

C.2A:162-17 Consideration for pretrial release.

3. Except as otherwise provided under sections 4 and 5 of P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19) concerning a hearing on pretrial detention, a court shall make, pursuant to this section, a pretrial release decision for an eligible defendant without unnecessary delay, but in no case later than 48 hours after the eligible defendant's commitment to jail.

a. The court shall order the pretrial release of the eligible defendant on personal recognizance or on the execution of an unsecured appearance bond when, after considering all the circumstances, the Pretrial Services Program's risk assessment and recommendations on conditions of release prepared pursuant to section 11 of P.L.2014, c.31 (C.2A:162-25), and any information that may be provided by a prosecutor or the eligible defendant, the court finds that the release would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

b. (1) If the court does not find, after consideration, that the release described in subsection a. of this section will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will

not obstruct or attempt to obstruct the criminal justice process, the court may order the pretrial release of the eligible defendant subject to the following:

(a) the eligible defendant shall not commit any offense during the period of release;

(b) the eligible defendant shall avoid all contact with an alleged victim of the crime;

(c) the eligible defendant shall avoid all contact with all witnesses who may testify concerning the offense that are named in the document authorizing the eligible defendant's release or in a subsequent court order; and

(d) any one or more non-monetary conditions as set forth in paragraph (2) of this subsection.

(2) The non-monetary condition or conditions of a pretrial release ordered by the court pursuant to this paragraph shall be the least restrictive condition, or combination of conditions, that the court determines will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, which may include that the eligible defendant:

(a) remain in the custody of a designated person, who agrees to assume supervision and to report any violation of a release condition to the court, if the designated person is able to reasonably assure the court that the eligible defendant will appear in court when required, will not pose a danger to the safety of any other person or the community, and will not obstruct or attempt to obstruct the criminal justice process;

(b) maintain employment, or, if unemployed, actively seek employment;

(c) maintain or commence an educational program;

(d) abide by specified restrictions on personal associations, place of abode, or travel;

(e) report on a regular basis to a designated law enforcement agency, or other agency, or pretrial services program;

(f) comply with a specified curfew;

(g) refrain from possessing a firearm, destructive device, or other dangerous weapon;

(h) refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner;

(i) undergo available medical, psychological, or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose;

(j) return to custody for specified hours following release for employment, schooling, or other limited purposes;

(k) be placed in a pretrial home supervision capacity with or without the use of an approved electronic monitoring device. The court may order the eligible defendant to pay all or a portion of the costs of the electronic monitoring, but the court may waive the payment for an eligible defendant who is indigent and who has demonstrated to the court an inability to pay all or a portion of the costs; or

(l) satisfy any other condition that is necessary to reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

c. (1) If the court does not find, after consideration, that the release described in subsection a. or b. of this section will reasonably assure the eligible defendant's appearance in court when required, the court may order the pretrial release of the eligible defendant on monetary bail, other than an unsecured appearance bond. The court may only impose monetary bail pursuant to this subsection to reasonably assure the eligible defendant's appearance. The court shall not impose the monetary bail to reasonably assure the protection of the safety of any other person or the community or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, or for the purpose of preventing the release of the eligible defendant.

(2) If the eligible defendant is unable to post the monetary bail imposed by the court pursuant to this subsection, and for that reason remains detained in jail, the provisions of section 8 of P.L.2014, c.31 (C.2A:162-22) shall apply to the eligible defendant.

d. (1) If the court does not find, after consideration, that the release described in subsection a., b., or c. will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, the court may order the pretrial release of the eligible defendant using a combination of non-monetary conditions as set forth in subsection b. of this section, and monetary bail as set forth in subsection c. of this section.

(2) If the eligible defendant is unable to post the monetary bail imposed by the court in combination with non-monetary conditions pursuant to this subsection, and for that reason remains detained in jail, the provisions of section 8 of P.L.2014, c.31 (C.2A:162-22) shall apply to the eligible defendant.

e. For purposes of the court's consideration for pretrial release described in this section, with respect to whether the particular method of release will reasonably assure that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, this reasonable assurance may be deemed to exist if the prosecutor does not provide the court with information relevant to the risk of whether the eligible defendant will obstruct or attempt to obstruct the criminal justice process.

C.2A:162-18 Pretrial detention for certain eligible defendants ordered by court; appeal.

4. a. (1) The court may order, before trial, the detention of an eligible defendant charged with any crime, or any offense involving domestic violence as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19), enumerated in subsection a. of section 5 of P.L.2014, c.31 (C.2A:162-19), if the prosecutor seeks the pretrial detention of the eligible defendant under section 5 of P.L.2014, c.31 (C.2A:162-19) and after a hearing pursuant to that section the court finds clear and convincing evidence that no amount of monetary bail, non-monetary conditions of pretrial release or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process. The court may also order the pretrial detention of an eligible defendant when the prosecutor moves for a pretrial detention hearing and the eligible defendant fails to rebut a presumption of pretrial detention that may be established for the crimes enumerated under subsection b. of section 5 of P.L.2014, c.31 (C.2A:162-19).

(2) For purposes of ordering the pretrial detention of an eligible defendant pursuant to this section and section 5 of P.L.2014, c.31 (C.2A:162-19) or pursuant to section 10 of P.L.2014, c.31 (C.2A:162-24), when determining whether no amount of monetary bail, non-monetary conditions or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, the court may consider the amount of monetary bail only with respect to whether it will, by itself or in combination with non-monetary conditions, reasonably assure the eligible defendant's appearance in court when required.

b. Regarding the pretrial detention hearing moved for by the prosecutor, except for when an eligible defendant is charged with a crime set forth under paragraph (1) or (2) of subsection b. of section 5 of P.L.2014, c.31 (C.2A:162-19), there shall be a rebuttable presumption that some amount of monetary bail, non-monetary conditions of pretrial release or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

c. An eligible defendant may appeal an order of pretrial detention pursuant to the Rules of Court. The appeal shall be heard in an expedited manner. The eligible defendant shall be detained pending the disposition of the appeal.

d. If the court does not order the pretrial detention of an eligible defendant at the conclusion of the pretrial detention hearing under this section and section 5 of P.L.2014, c.31 (C.2A:162-19), the court shall order the release of the eligible defendant pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17).

C.2A:162-19 Pretrial detention for certain eligible defendants requested by prosecutor.

5. a. A prosecutor may file a motion with the court at any time, including any time before or after an eligible defendant's release pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17), seeking the pretrial detention of an eligible defendant for:

(1) any crime of the first or second degree enumerated under subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

(2) any crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment;

(3) any crime if the eligible defendant has been convicted of two or more offenses under paragraph (1) or (2) of this subsection;

(4) any crime enumerated under paragraph (2) of subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) or crime involving human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or P.L.2013, c.51 (C.52:17B-237 et al.) when the victim is a minor, or the crime of endangering the welfare of a child under N.J.S.2C:24-4;

(5) any crime enumerated under subsection c. of N.J.S.2C:43-6;

(6) any crime or offense involving domestic violence as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19); or

(7) any other crime for which the prosecutor believes there is a serious risk that:

(a) the eligible defendant will not appear in court as required;

(b) the eligible defendant will pose a danger to any other person or the community; or

(c) the eligible defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure or intimidate, a prospective witness or juror.

b. When a motion for pretrial detention is filed pursuant to subsection a. of this section, there shall be a rebuttable presumption that the eligible defendant shall be detained pending trial because no amount of monetary bail, non-monetary condition or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, if the court finds probable cause that the eligible defendant:

(1) committed murder pursuant to N.J.S.2C:11-3; or

(2) committed any crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment.

c. A court shall hold a hearing to determine whether any amount of monetary bail or non-monetary conditions or combination of monetary bail and conditions, including those set forth under subsection b. of section 3 of P.L.2014, c.31 (C.2A:162-17) will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

d. (1) Except as otherwise provided in this subsection, the pretrial detention hearing shall be held no later than the eligible defendant's first appearance unless the eligible defendant, or the prosecutor, seeks a continuance. If a prosecutor files a motion for pretrial detention after the eligible defendant's first appearance has taken place or if no first appearance is required, the court shall schedule the pretrial detention hearing to take place within three working days of the date on which the prosecutor's motion was filed, unless the prosecutor or the eligible defendant seeks a continuance. Except for good cause, a continuance on motion of the eligible defendant may not exceed five days, not including any intermediate Saturday, Sunday, or legal holiday. Except for good cause, a continuance on motion of the prosecutor may not exceed three days, not including any intermediate Saturday, Sunday, or legal holiday.

(2) Upon the filing of a motion by the prosecutor seeking the pretrial detention of the eligible defendant and during any continuance that may be

granted by the court, the eligible defendant shall be detained in jail, unless the eligible defendant was previously released from custody before trial, in which case the court shall issue a notice to appear to compel the appearance of the eligible defendant at the detention hearing. The court, on motion of the prosecutor or sua sponte, may order that, while in custody, an eligible defendant who appears to be a drug dependent person receive an assessment to determine whether that eligible defendant is drug dependent.

e. (1) At the pretrial detention hearing, the eligible defendant has the right to be represented by counsel, and, if financially unable to obtain adequate representation, to have counsel appointed. The eligible defendant shall be afforded an opportunity to testify, to present witnesses, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials shall not apply to the presentation and consideration of information at the hearing.

(2) In pretrial detention proceedings for which there is no indictment, the prosecutor shall establish probable cause that the eligible defendant committed the predicate offense. A presumption of pretrial detention as provided in subsection b. of this section may be rebutted by proof provided by the eligible defendant, the prosecutor, or from other materials submitted to the court. The standard of proof for a rebuttal of the presumption of pretrial detention shall be a preponderance of the evidence. If proof cannot be established to rebut the presumption, the court may order the eligible defendant's pretrial detention. If the presumption is rebutted by sufficient proof, the prosecutor shall have the opportunity to establish that the grounds for pretrial detention exist pursuant to this section.

(3) Except when an eligible defendant has failed to rebut a presumption of pretrial detention pursuant to subsection b. of this section, the court's finding to support an order of pretrial detention pursuant to section 4 of P.L.2014, c.31 (C.2A:162-18) that no amount of monetary bail, non-monetary conditions or combination of monetary bail and conditions will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process shall be supported by clear and convincing evidence.

f. The hearing may be reopened, before or after a determination by the court, at any time before trial, if the court finds that information exists that was not known to the prosecutor or the eligible defendant at the time of the hearing and that has a material bearing on the issue of whether there are conditions of release that will reasonably assure the eligible defendant's

appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

C.2A:162-20 Information considered in determination of pretrial detention.

6. In determining in a pretrial detention hearing whether no amount of monetary bail, non-monetary conditions or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, the court may take into account information concerning:

a. The nature and circumstances of the offense charged;

b. The weight of the evidence against the eligible defendant, except that the court may consider the admissibility of any evidence sought to be excluded;

c. The history and characteristics of the eligible defendant, including:

(1) the eligible defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

(2) whether, at the time of the current offense or arrest, the eligible defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal law, or the law of this or any other state;

d. The nature and seriousness of the danger to any other person or the community that would be posed by the eligible defendant's release, if applicable;

e. The nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process that would be posed by the eligible defendant's release, if applicable; and

f. The release recommendation of the pretrial services program obtained using a risk assessment instrument under section 11 of P.L.2014, c.31 (C.2A:162-25).

C.2A:162-21 Contents of pretrial detention order; temporary release.

7. a. In a pretrial detention order issued pursuant to sections 4 and 5 of P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19), the court shall:

(1) include written findings of fact and a written statement of the reasons for the detention; and

(2) direct that the eligible defendant be afforded reasonable opportunity for private consultation with counsel.

b. The court may, by subsequent order, permit the temporary release of the eligible defendant subject to appropriate restrictive conditions, which may include but shall not be limited to pretrial supervision, to the extent that the court determines the release to be necessary for preparation of the eligible defendant's defense or for another compelling reason.

C.2A:162-22 Eligible defendant subject to pretrial detention, release; conditions.

8. a. Concerning an eligible defendant subject to pretrial detention as ordered by a court pursuant to sections 4 and 5 of P.L.2014, c.31 (C.2A:162-18 and C.2A:162-19) or an eligible defendant who is detained in jail due to the inability to post the monetary bail imposed by the court pursuant to subsection c. or d. of section 3 of P.L.2014, c.31 (C.2A:162-17):

(1) (a) The eligible defendant shall not remain detained in jail for more than 90 days, not counting excludable time for reasonable delays as set forth in subsection b. of this section, prior to the return of an indictment. If the eligible defendant is not indicted within that period of time, the eligible defendant shall be released from jail unless, on motion of the prosecutor, the court finds that a substantial and unjustifiable risk to the safety of any other person or the community or the obstruction of the criminal justice process would result from the eligible defendant's release from custody, so that no appropriate conditions for the eligible defendant's release could reasonably address that risk, and also finds that the failure to indict the eligible defendant in accordance with the time requirement set forth in this subparagraph was not due to unreasonable delay by the prosecutor. If the court finds that a substantial and unjustifiable risk to the safety of any other person or the community or the obstruction of the criminal justice process would result, and also finds that the failure to indict the eligible defendant in accordance with the time requirement set forth in this subparagraph was not due to unreasonable delay by the prosecutor, the court may allocate an additional period of time, not to exceed 45 days, in which the return of an indictment shall occur. Notwithstanding the court's previous findings for ordering the eligible defendant's pretrial detention, or if the court currently does not find a substantial and unjustifiable risk or finds unreasonable delay by the prosecutor as described in this subparagraph, the court shall order the release of the eligible defendant pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17).

(b) If the eligible defendant is charged or indicted on another matter resulting in the eligible defendant's pretrial detention, the time calculations set forth in subparagraph (a) of this paragraph for each matter shall run independently.

(2) (a) An eligible defendant who has been indicted shall not remain detained in jail for more than 180 days on that charge following the return or unsealing of the indictment, whichever is later, not counting excludable time for reasonable delays as set forth in subsection b. of this section, before commencement of the trial. If the trial does not commence within that period of time, the eligible defendant shall be released from jail unless, on motion of the prosecutor, the court finds that a substantial and unjustifiable risk to the safety of any other person or the community or the obstruction of the criminal justice process would result from the eligible defendant's release from custody, so that no appropriate conditions for the eligible defendant's release could reasonably address that risk, and also finds that the failure to commence trial in accordance with the time requirement set forth in this subparagraph was not due to unreasonable delay by the prosecutor. If the court finds that a substantial and unjustifiable risk to the safety of any other person or the community or the obstruction of the criminal justice process would result, and also finds that the failure to commence trial in accordance with the time requirement set forth in this subparagraph was not due to unreasonable delay by the prosecutor, the court may allocate an additional period of time in which the eligible defendant's trial shall commence. Notwithstanding the court's previous findings for ordering the eligible defendant's pretrial detention, or if the court currently does not find a substantial and unjustifiable risk or finds unreasonable delay by the prosecutor as described in this subparagraph, the court shall order the release of the eligible defendant pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17). Notwithstanding any other provision of this section, an eligible defendant shall be released from jail pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17) after a release hearing if, two years after the court's issuance of the pretrial detention order for the eligible defendant, excluding any delays attributable to the eligible defendant, the prosecutor is not ready to proceed to voir dire or to opening argument, or to the hearing of any motions that had been reserved for the time of trial.

(b) (i) For the purposes of this paragraph, a trial is considered to have commenced when the court determines that the parties are present and directs them to proceed to voir dire or to opening argument, or to the hearing of any motions that had been reserved for the time of trial.

(ii) The return of a superseding indictment against the eligible defendant shall extend the time for the trial to commence.

(iii) If an indictment is dismissed without prejudice upon motion of the eligible defendant for any reason, and a subsequent indictment is returned, the time for trial shall begin running from the date of the return of the subsequent indictment.

(iv) A trial ordered after a mistrial or upon a motion for a new trial shall commence within 120 days of the entry of the order of the court. A trial ordered upon the reversal of a judgment by any appellate court shall commence within 120 days of the service of that court's trial mandate.

(c) If the eligible defendant is indicted on another matter resulting in the eligible defendant's pretrial detention, the time calculations set forth in this paragraph for each matter shall run independently.

b. (1) The following periods shall be excluded in computing the time in which a case shall be indicted or tried:

(a) The time resulting from an examination and hearing on competency and the period during which the eligible defendant is incompetent to stand trial or incapacitated;

(b) The time from the filing to the disposition of an eligible defendant's application for supervisory treatment pursuant to N.J.S.2C:36A-1 or N.J.S.2C:43-12 et seq., special probation pursuant to N.J.S.2C:35-14, drug or alcohol treatment as a condition of probation pursuant to N.J.S.2C:45-1, or other pretrial treatment or supervisory program;

(c) The time from the filing to the final disposition of a motion made before trial by the prosecutor or the eligible defendant;

(d) The time resulting from a continuance granted, in the court's discretion, at the eligible defendant's request or at the request of both the eligible defendant and the prosecutor;

(e) The time resulting from the detention of an eligible defendant in another jurisdiction provided the prosecutor has been diligent and has made reasonable efforts to obtain the eligible defendant's presence;

(f) The time resulting from exceptional circumstances including, but not limited to, a natural disaster, the unavoidable unavailability of an eligible defendant, material witness or other evidence, when there is a reasonable expectation that the eligible defendant, witness or evidence will become available in the near future;

(g) On motion of the prosecutor, the delay resulting when the court finds that the case is complex due to the number of defendants or the nature of the prosecution;

(h) The time resulting from a severance of codefendants when that severance permits only one trial to commence within the time period for trial set forth in this section;

(i) The time resulting from an eligible defendant's failure to appear for a court proceeding;

(j) The time resulting from a disqualification or recusal of a judge;

(k) The time resulting from a failure by the eligible defendant to provide timely and complete discovery;

(l) The time for other periods of delay not specifically enumerated if the court finds good cause for the delay; and

(m) Any other time otherwise required by statute.

(2) The failure by the prosecutor to provide timely and complete discovery shall not be considered excludable time unless the discovery only became available after the time set for discovery.

C.2A:162-23 Notification to eligible defendant by court, conditions of release.

9. a. (1) If an eligible defendant is released from jail pursuant to section 3 or 8 of P.L.2014, c.31 (C.2A:162-17 or C.2A:162-22), the court shall, in the document authorizing the eligible defendant's release, notify the eligible defendant of:

(a) all the conditions, if any, to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the eligible defendant's conduct; and

(b) the penalties for and other consequences of violating a condition of release, which may include the immediate issuance of a warrant for the eligible defendant's arrest.

The failure of the court to notify the eligible defendant of any penalty or consequence for violating a condition of release as required by this subparagraph shall not preclude any remedy authorized under the law for any violation committed by the eligible defendant.

(2) If the court enters an order that is contrary to a recommendation made in a risk assessment when determining a method of release or setting release conditions, the court shall provide an explanation in the document that authorizes the eligible defendant's release.

b. Notwithstanding any law to the contrary, an eligible defendant who is released from jail on personal recognizance or subject only to non-monetary conditions pursuant to section 3 or 8 of P.L.2014, c.31 (C.2A:162-17 or C.2A:162-22) shall not be assessed any fee or other monetary assessment related to processing the eligible defendant's release.

C.2A:162-24 Violation of condition of release, motion by prosecutor.

10. Upon motion of a prosecutor, when an eligible defendant is released from custody before trial pursuant to section 3 or 8 of P.L.2014, c.31 (C.2A:162-17 or C.2A:162-22), the court, upon a finding that the eligible defendant while on release has violated a restraining order or condition of release, or upon a finding of probable cause to believe that the eligible defendant has committed a new crime while on release, may not revoke the eligible defendant's release and order that the eligible defendant be detained pending trial unless the court, after considering all relevant circumstances including but not limited to the nature and seriousness of the violation or criminal act committed, finds clear and convincing evidence that no monetary bail, non-monetary conditions of release or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process.

C.2A:162-25 Statewide Pretrial Services Program; risk assessment instrument.

11. a. The Administrative Director of the Courts shall establish and maintain a Statewide Pretrial Services Program which shall provide pretrial services to effectuate the purposes of sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.).

b. The Pretrial Services Program shall, after an eligible defendant is temporarily detained pursuant to subsection a. of section 2 of P.L.2014, c.31 (C.2A:162-16) following the issuance of a complaint-warrant, conduct a risk assessment on that eligible defendant for the purpose of making recommendations to the court concerning an appropriate pretrial release decision, including whether the eligible defendant shall be: released on the eligible defendant's own personal recognizance or on execution of an unsecured appearance bond; released on a non-monetary condition or conditions as set forth under subsection b. of section 3 of P.L.2014, c.31 (C.2A:162-17); released on monetary bail, other than an unsecured appearance bond; released on a combination of monetary bail and non-monetary conditions set forth under section 3 of P.L.2014, c.31 (C.2A:162-17); or any other conditions necessary to effectuate the purposes of sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.). The risk assessment shall be completed and presented to the court so that the court can, without unnecessary delay, but in no case later than 48 hours after the eligible defendant's commitment to jail, make a pretrial release decision on the eligible defendant pursuant to section 3 of P.L.2014, c.31 (C.2A:162-17).

c. The pretrial risk assessment shall be conducted using a risk assessment instrument approved by the Administrative Director of the Courts that meets the requirements of this subsection.

(1) The approved risk assessment instrument shall be objective, standardized, and developed based on analysis of empirical data and risk factors relevant to the risk of failure to appear in court when required and the danger to the community while on pretrial release. The risk assessment instrument shall not be required to include factors specifically pertaining to the risk for obstructing or attempting to obstruct the criminal justice process.

(2) The approved risk assessment instrument shall gather demographic information about the eligible defendant including, but not limited to, race, ethnicity, gender, financial resources, and socio-economic status. Recommendations for pretrial release shall not be discriminatory based on race, ethnicity, gender, or socio-economic status.

d. In addition to the pretrial risk assessments made pursuant to this section, the Pretrial Services Program shall monitor appropriate eligible defendants released on conditions as ordered by the court.

C.2B:1-7 Adoption of Rules of Court.

12. a. The Supreme Court, subject to the limitations set forth in subsection b. of this section, may adopt Rules of Court to revise or supplement filing fees and other statutory fees payable to the court for the sole purpose of funding:

(1) the development, maintenance and administration of a Statewide Pretrial Services Program;

(2) the development, maintenance and administration of a Statewide digital e-court information system; and

(3) the provision to the poor of legal assistance in civil matters by Legal Services of New Jersey and its affiliates.

b. All existing filing fees and other statutory fees payable to the court on the effective date of this section shall not be increased or supplemented more than $50 in the aggregate for each fee beginning on the effective date of this section.

c. As used in sections 12 through 19 of P.L.2014, c.31 (C.2B:1-7 through C.2B:1-13):

"Digital e-court information system" shall mean a Statewide integrated system that includes but is not limited to electronic filing, electronic service of process, electronic document management, electronic case management, electronic financial management, and public access to digital court records; and

"Pretrial Services Program" shall mean the pretrial services program established pursuant to section 11 of P.L.2014, c.31 (C.2A:162-25).

C.2B:1-8 Public announcement of rules, delivery of copies.

13. The rules proposed pursuant to section 12 of P.L.2014, c.31 (C.2B:1-7) shall be publicly announced by the Supreme Court. On the same day on which the rule or rules are publicly announced, the Supreme Court shall deliver true copies to the President of the Senate, the Speaker of the General Assembly, and the Governor. The Supreme Court shall provide the public with a reasonable opportunity to comment on the proposed rule or rules. The rule or rules shall take effect on the date provided by the Supreme Court.

C.2B:1-9 "21st Century Improvement Fund."

14. a. There is established in the General Fund a dedicated, non-lapsing fund to be known as the "21st Century Justice Improvement Fund," which shall be credited annually with a sum equal to the revenue to be derived annually from the incremental amount of any filing fees or other statutory fees payable to the court that are revised or supplemented pursuant to sections 12 and 13 of P.L.2014, c.31 (C.2B:1-7 and C.2B:1-8) and the related fee revisions as provided by operation of N.J.S.22A:2-5 and section 2 of P.L.1993, c.74 (C.22A:5-1). The fund shall be administered by the State Treasurer. Interest and other income earned on monies in the fund shall be credited to the fund. Monies credited to the fund shall be appropriated annually and used exclusively for the purposes of funding:

(1) the development, maintenance and administration of a Statewide Pretrial Services Program;

(2) the development, maintenance and administration of a Statewide digital e-court information system; and

(3) the provision to the poor of legal assistance in civil matters by Legal Services of New Jersey and its affiliates.

b. Any amount remaining in the fund after the appropriation of funds as provided in paragraphs (1), (2) and (3) of subsection a. of this section shall be retained by the Judiciary for the purpose of developing, maintaining and administering the Pretrial Services Program or for court information technology. The monies credited to the fund shall not be used for any purpose other than those purposes set forth in this section and section 15 of P.L.2014, c.31 (C.2B:1-10).

C.2B:1-10 Allocation of monies.

15. Monies annually credited in the "21st Century Justice Improvement Fund" shall be allocated as follows:

a. $22 million credited annually to the fund shall be appropriated annually to the Judiciary to be used to fund the development, maintenance and administration of a Statewide Pretrial Services Program established pursuant to section 11 of P.L.2014, c.31 (C.2A:162-25);

b. $10 million credited annually to the fund shall be appropriated annually to the Judiciary to be used to fund the development, maintenance and administration of a Statewide digital e-court information system. An appropriation made pursuant to this subsection shall not be used to replace appropriations from other sources for Judiciary information technology; and

c. $10.1 million credited annually to the fund shall be appropriated annually to the Department of the Treasury for distribution to Legal Services of New Jersey and its affiliates to facilitate the provision to the poor of legal assistance in civil matters, which shall supplement other funds as may be appropriated from any other source in a fiscal year for the same purpose. All State funds distributed to Legal Services of New Jersey shall be used exclusively for the provision to the poor of legal assistance in civil matters.

d. Any amount remaining in the fund after the appropriation of funds as provided in subsections a., b., and c. of this section shall be retained by the Judiciary for the purpose of developing, maintaining, and administering the Pretrial Services Program or for court information technology. The monies credited to the fund shall not be used for any purpose other than those purposes set forth in this section and section 14 of P.L.2014, c.31 (C.2B:1-9).

16. Section 6 of P.L.1995, c.325 (C.2B:1-5) is amended to read as follows:

C.2B:1-5 Electronic payment systems established by courts.

6. a. Notwithstanding the provisions of any other law to the contrary, the Supreme Court, the Superior Court and the Tax Court, and the various municipal and joint municipal courts when permitted by resolution of the appropriate municipal governing bodies, are authorized to establish systems to accept the payment of civil and criminal fines and penalties and other judicially imposed financial obligations by credit or debit card based payment, electronic funds transfer, or any other electronic method deemed feasible by the Supreme Court.

b. No person or organization that is a defendant in a criminal matter shall be entitled to offer a credit card for the payment of bail or for the pay-

ment of fines or penalties related to the imposition of a sentence, for a crime of the first, second or third degree under Title 2C of the New Jersey Statutes.

c. If not legally prohibited by an association, financial institution, or a card issuer, the Administrative Office of the Courts, pursuant to the Rules of Court, is authorized to assess, collect, and pay service charges and other costs resulting from the collection of filing fees, administrative fees, judicially imposed financial obligations, and related charges owed to a court when parties process these fees, judicially imposed financial obligations, and related charges using credit cards, debit cards, electronic funds transfer systems, or any other electronic method deemed feasible by the Supreme Court. Any service charges and other costs assessed and collected by the Administrative Office of the Courts pursuant to this section with the exception of those charges or costs assessed and collected on behalf of municipal and joint municipal courts, shall be deposited in the "Court Computer Information System Fund" established by subsection c. of section 1 of P.L.1994, c.54 (C.2B:1-4).

d. The Supreme Court of the State of New Jersey shall adopt Rules of Court appropriate or necessary to effectuate the purposes of this section.

C.2B:1-11 Submission of reports by Administrative Director of the Courts.

17. a. Not later than the sixth month after the end of each State fiscal year, the Administrative Director of the Courts shall submit a report to the Governor, the President of the Senate, and the Speaker of the General Assembly describing the Judiciary's use of funding pursuant to sections 12 through 15 of P.L.2014, c.31 (C.2B:1-7 through C.2B:1-10) and the Judiciary's progress toward the development, maintenance and administration of a Statewide digital e-court information system.

b. Not later than the sixth month after the end of each State fiscal year, the Administrative Director of the Courts shall submit a report to the Governor, the President of the Senate, the Speaker of the General Assembly, and the Pretrial Services Program Review Commission established by section 20 of P.L.2014, c.31 (C.2A:162-26) on the development and administration of the Statewide Pretrial Services Program.

C.2B:1-12 Submission of reports by Legal Services of New Jersey.

18. Not later than the sixth month after the end of each State fiscal year, Legal Services of New Jersey, through the Department of the Treasury, shall submit to the Governor, the President of the Senate, the Speaker of the General Assembly, and the State Auditor a detailed financial statement describing how funds appropriated in the prior fiscal year pursuant to

sections 14 and 15 of P.L.2014, c.31 (C.2B:1-9 and C.2B:1-10) were used for the provision to the poor of legal assistance in civil matters. The use of public funds appropriated to Legal Services of New Jersey shall be subject to oversight by the State Auditor.

C.2B:1-13 Revision, supplementation of certain fees.

19. a. The authority of the Supreme Court to revise or supplement filing fees and other statutory fees payable to the court pursuant to sections 12 and 13 of P.L.2014, c.31 (C.2B:1-7 and C.2B:1-8) shall expire on the first day of the seventh month next following the date of enactment of those sections, except that any filing fees and other statutory fees payable to the court that have been revised or supplemented pursuant to those sections shall continue in effect, subject to the provisions of this section.

b. Within 30 days of the fifth anniversary of the effective date of the Rules of Court first adopted pursuant to sections 12 and 13 of P.L.2014, c.31 (C.2B:1-7 and C.2B:1-8), and additionally within 30 days of the tenth anniversary of that effective date, the Court may review all filing fees and other statutory fees revised or supplemented pursuant to sections 12 and 13 of P.L.2014, c.31 (C.2B:1-7 and C.2B:1-8) through its rulemaking process, which includes a reasonable opportunity for public comment, to determine if the fees should remain unchanged as originally adopted pursuant to those sections or be reduced to reflect the funding needs associated with the purposes set forth in section 14 of P.L.2014, c.31 (C.2B:1-9) for which the "21st Century Justice Improvement Fund" provides monies.

C.2A:162-26 Pretrial Services Program Review Commission.

20. a. There is hereby created, in but not of the Department of Law and Public Safety, a commission to be known as the Pretrial Services Program Review Commission, consisting of 17 members as follows: the Attorney General, or his designee; two members of the Senate, who shall each be of different political parties, appointed by the Senate President; two members of the General Assembly, who shall each be of different political parties, appointed by the Speaker of the General Assembly; the Administrative Director of the Courts, or his designee; two county prosecutors, appointed by the Governor based upon the recommendation of the County Prosecutors Association of the State of New Jersey; the Public Defender, or his designee; the following ex-officio public members: the President of the New Jersey State Conference of the National Association for the Advancement of Colored People, the President of the Latino Action Network, the Executive Director of the American Civil Liberties Union of New Jersey, the New Jersey State Di-

rector of the Drug Policy Alliance, and the President and Chief Executive Officer of the New Jersey Institute for Social Justice; and the following appointed public members: a county or municipal law enforcement officer appointed by the Governor, and two additional members having experience with, possessing a background in, or demonstrating a specialized knowledge of, the legal, policy, or social aspects of criminal justice pretrial release and detention programs, one appointed by the Governor upon the recommendation of the President of the Senate, and one appointed by the Governor upon the recommendation of the Speaker of the General Assembly.

b. (1) The members' terms shall be as follows:

(a) The State and county ex-officio members shall serve during their elective or appointed term of office;

(b) The ex-officio public members shall serve during their term of office; and

(c) (i) The appointed public members shall each be appointed for a term of three years, except that of the two members with experience, background, or specialized knowledge of criminal justice pretrial release and detention programs first appointed, the member appointed by the Governor upon the recommendation of the Speaker of the General Assembly shall serve for a term of two years, and the member appointed by the Governor upon the recommendation of the Senate President shall serve for a term of three years.

(ii) Each member appointed shall hold office for the term of appointment and until a successor shall have been appointed and qualified.

(iii) Any vacancy in the appointed membership of the commission shall be filled by appointment in the same manner as the original appointment was made.

c. (1) The commission shall organize as soon as may be practicable upon the ex-officio designation and appointment of a majority of its authorized membership. The members shall elect one of the members to serve as chair, and one to serve as vice-chair, and the chair may appoint a secretary, who need not be a member of the commission.

(2) The commission shall meet at the call of the chair, or when requested by a majority of its members, at those times and places within the State of New Jersey as the chair shall determine. A majority of the commission's authorized membership shall constitute a quorum for the transaction of any business, including the adoption of any commission recommendations.

d. The members of the commission shall serve without compensation, but shall be eligible for reimbursement for necessary and reasonable expenses

incurred in the performance of their official duties within the limits of funds appropriated or otherwise made available to the commission for its purposes.

e. The Division of Criminal Justice in the Department of Law and Public Safety shall, at the direction of the Attorney General, provide legal, stenographic, technical, clerical, and other staff and resource assistance to the commission, and additionally the commission may incur expenses as may be necessary in order to perform its duties within the limits of funds appropriated or otherwise made available to it for its purposes.

f. It shall be the duty of the commission to:

(1) Review the annual report of the Administrative Director of the Courts concerning the development and administration of the Statewide Pretrial Services Program that is submitted to the commission pursuant to subsection b. of section 17 of P.L.2014, c.31 (C.2B:1-11);

(2) Examine the existing law concerning pretrial release and detention established by sections 1 through 11 of P.L.2014, c.31 (C.2A:162-15 et seq.);

(3) Research criminal justice pretrial release and detention programs from other states and jurisdictions; and

(4) Make recommendations for legislation related to paragraphs (1) through (3) of this subsection.

g. The commission shall report annually to the Governor, to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and to the Supreme Court, its activities, as well as its findings and recommendations, if any, for legislation.

21. a. Sections 1 through 11 and section 20 of this act shall take effect on the same day that a constitutional amendment to Article I, paragraph 11 of the New Jersey Constitution authorizing the courts to deny pretrial release of certain defendants takes effect; and sections 12 through 19 of this act shall take effect immediately.

b. Sections 1 through 11 of this act shall apply to any eligible defendant who is arrested on or after the effective date of those sections, regardless of whether the crime or offense related to the arrest was allegedly committed before, on, or after the effective date of those sections.

c. With respect to any delay to the effective date of sections 1 through 11 of this act based on the requirement to amend Article I, paragraph 11 of the New Jersey Constitution as set forth in subsection a. of this section, nothing shall be construed to affect the court's existing authority to revoke pretrial release prior to the effective date of those sections.

d. The Supreme Court may adopt Rules of Court and take any administrative action necessary to implement the provisions of this act, including

the adoption of rules or anticipatory administrative action in advance of the effective date of sections 1 through 11 of this act as set forth in subsection a. of this section.

Approved August 11, 2014.

CHAPTER 32

AN ACT concerning certain employment rights of persons with criminal records and supplementing Title 34 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.34:6B-11 Short title.

1. This act shall be known and may be cited as "The Opportunity to Compete Act."

C.34:6B-12 Findings, declarations relative to certain employment rights of persons with criminal records.

2. The Legislature finds and declares that:

a. Removing obstacles to employment for people with criminal records provides economic and social opportunities to a large group of people living in New Jersey, increasing the productivity, health, and safety of New Jersey communities.

b. Criminal background checks by employers have increased dramatically in recent years, with estimates of 90 percent of large employers in the United States now conducting background checks as part of the hiring process.

c. Barriers to employment based on criminal records stand to affect an estimated 65 million adults in the United States with criminal records.

d. Employment advertisements in New Jersey frequently include language regarding criminal records that either explicitly precludes or strongly dissuades people from applying.

e. Individuals with criminal records represent a group of job seekers ready and able to contribute and add to the workforce.

f. Securing employment significantly reduces the risk of recidivism for persons with criminal records.

g. Currently, at least 64 states, counties, and cities have enacted or passed statutes, ordinances, or policies to remove barriers to the employment of persons with criminal histories by public and private employers.

h. The nation's largest public employer, the United States government, and the nation's largest private employer have each implemented their own policies removing barriers to the employment of persons with criminal histories.

i. Numerous other major businesses and organizations have voluntarily implemented their own policies removing barriers to the employment of those with criminal histories.

j. It is the intent and purpose of "The Opportunity to Compete Act" to improve the economic viability, health, and security of New Jersey communities and to assist people with criminal records to reintegrate into the community, become productive members of the workforce, and to provide for their families and themselves.

C.34:6B-13 Definitions relative to certain employment rights of persons with criminal records.

3. As used in this act:

"Advertisement" means any circulation, mailing, posting, or any other form of publication, utilizing any media, promoting an employer or intending to alert its audience, regardless of size, to the availability of any position of employment.

"Applicant for employment" means any person whom an employer considers when identifying potential employees, through any means, including, but not limited to, recruitment, solicitation, or seeking personal information, or any person who requests to be considered for employment by an employer, or who requests information from an employer related to seeking employment, and shall include any person who currently is an employee of the employer.

"Criminal record" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, release or conviction, including, but not limited to, any sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation, or a sentence of conditional discharge.

"Employee" shall mean a person who is hired for a wage, salary, fee, or payment to perform work for an employer, but excludes any person em-

ployed in the domestic service of any family or person at the person's home, any independent contractors, or any directors or trustees. The term also shall include interns and apprentices.

"Employer" means any person, company, corporation, firm, labor organization, or association which has 15 or more employees over 20 calendar weeks and does business, employs persons, or takes applications for employment within this State, including the State, any county or municipality, or any instrumentality thereof. The term shall include job placement and referral agencies and other employment agencies, but excludes the United States or any of its departments, agencies, boards, or commissions, or any employee or agent thereof.

"Employment" means any occupation, vocation, job, or work with pay, including temporary or seasonal work, contingent work, and work through the services of a temporary or other employment agency; any form of vocational apprenticeship; or any internship. The physical location of the prospective employment shall be in whole, or substantial part, within this State.

"Employment application" means a form, questionnaire or similar document or collection of documents that an applicant for employment is required by an employer to complete.

"Initial employment application process" means the period beginning when an applicant for employment first makes an inquiry to an employer about a prospective employment position or job vacancy or when an employer first makes any inquiry to an applicant for employment about a prospective employment position or job vacancy, and ending when an employer has conducted a first interview, whether in person or by any other means of an applicant for employment.

C.34:6B-14 Prohibited actions by employer during initial employment application process.

4. a. Except as otherwise provided in section 6 of this act:

(1) An employer shall not require an applicant for employment to complete any employment application that makes any inquiries regarding an applicant's criminal record during the initial employment application process.

(2) An employer shall not make any oral or written inquiry regarding an applicant's criminal record during the initial employment application process.

b. Notwithstanding the provisions of subsection a. of this section, if an applicant discloses any information regarding the applicant's criminal record, by voluntary oral or written disclosure, during the initial employment application process, the employer may make inquiries regarding the applicant's criminal record during the initial employment application process.

c. Nothing set forth in this section shall be construed to prohibit an employer from requiring an applicant for employment to complete an employment application that makes any inquiries regarding an applicant's criminal record after the initial employment application process has concluded or from making any oral or written inquiries regarding an applicant's criminal record after the initial employment application process has concluded. The provisions of this section shall not preclude an employer from refusing to hire an applicant for employment based upon the applicant's criminal record, unless the criminal record or relevant portion thereof has been expunged or erased through executive pardon, provided that such refusal is consistent with other applicable laws, rules and regulations.

C.34:6B-15 Prohibitions relative to employer advertisements.

5. Unless otherwise permitted or required by law, an employer shall not knowingly or purposefully publish, or cause to be published, any advertisement that solicits applicants for employment where that advertisement explicitly provides that the employer will not consider any applicant who has been arrested or convicted of one or more crimes or offenses. The provisions of this section shall not apply to any advertisement that solicits applicants for a position in law enforcement, corrections, the judiciary, homeland security, or emergency management, or any other employment position where a criminal history record background check is required by law, rule or regulation, or where an arrest or conviction by the person for one or more crimes or offenses would or may preclude the person from holding such employment as required by any law, rule or regulation, or where any law, rule, or regulation restricts an employer's ability to engage in specified business activities based on the criminal records of its employees. Nothing set forth in this section shall be construed as prohibiting an employer from publishing, or causing to be published, an advertisement that contains any provision setting forth any other qualifications for employment, as permitted by law, including, but not limited to, the holding of a current and valid professional or occupational license, certificate, registration, permit or other credential, or a minimum level of education, training or professional, occupational, or field experience.

C.34:6B-16 Exceptions to prohibited actions by employers.

6. The provisions of subsection a. of section 4 of this act shall not prohibit an employer from requiring an applicant for employment to complete an employment application that makes any inquiries regarding an applicant's criminal record during the initial employment application process or from

making any oral or written inquiries regarding an applicant's criminal record during the initial employment application process if:

a. The employment sought or being considered is for a position in law enforcement, corrections, the judiciary, homeland security or emergency management;

b. The employment sought or being considered is for a position where a criminal history record background check is required by law, rule or regulation, or where an arrest or conviction by the person for one or more crimes or offenses would or may preclude the person from holding such employment as required by any law, rule or regulation, or where any law, rule, or regulation restricts an employer's ability to engage in specified business activities based on the criminal records of its employees; or

c. The employment sought or being considered is for a position designated by the employer to be part of a program or systematic effort designed predominantly or exclusively to encourage the employment of persons who have been arrested or convicted of one or more crimes or offenses.

C.34:6B-17 Criminal histories relative to employment with local government.

7. a. The governing body of a county or municipality shall not adopt any ordinance, resolution, law, rule or regulation regarding criminal histories in the employment context, except for ordinances adopted to regulate municipal operations.

b. The provisions of this act shall preempt any ordinance, resolution, law, rule or regulation adopted by the governing body of a county or municipality prior to the effective date of this act regarding criminal histories in the employment context, except for ordinances adopted to regulate municipal operations.

C.34:6B-18 Penalties sole remedy; construction of act.

8. The penalties set forth in section 9 of this act shall be the sole remedy provided for violations of this act. Nothing set forth in this act shall be construed as creating or establishing a standard of care or duty for employers with respect to any law other than this act. Evidence that an employer has violated, or is alleged to have violated, the provisions of this act, shall not be admissible in any legal proceeding with respect to any law or claim other than a proceeding to enforce the provisions of this act. Nothing set forth in this act shall be construed as creating, establishing or authorizing a private cause of action by an aggrieved person against an employer who has violated, or is alleged to have violated, the provisions of this act.

C.34:6B-19 Violations, penalties.

9. Any employer who violates this act shall be liable for a civil penalty in an amount not to exceed $1,000 for the first violation, $5,000 for the second violation, and $10,000 for each subsequent violation collectible by the Commissioner of Labor and Workforce Development in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

10. This act shall take effect the first day of the seventh month next following the date of enactment, but the Commissioner of Labor and Workforce Development may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved August 11, 2014.

CHAPTER 33

AN ACT designating the New Jersey Big Data Alliance as the State's advanced cyberinfrastructure consortium, and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.52:17C-3.4 New Jersey Big Data Alliance designated as State's advanced cyberinfrastructure consortium; definitions.

1. a. The New Jersey Big Data Alliance is designated as the State's advanced cyberinfrastructure consortium. The purpose of the consortium shall be to encourage State government, academia, and industry to address, in a strategic and coordinated manner, the significant and immediate challenges posed by the proliferation of big data sources and the resultant deluge of digital data. Major initiatives may include, but not be limited to: (1) encouraging the creation of joint education programs, including the establishment of a common curriculum for data sciences and the creation of coordinated certificates, workforce training, and outreach programs; (2) promoting inter-university research collaborations; (3) catalyzing interaction with national and international data consortiums, such as the National Consortium for Data Science; (4) organizing events that promote big data education and collaborating across State government, academia, and industry; (5) collaborating with the Rutgers Discovery Informatics Institute and the Of-

fice of Information Technology to develop an advanced cyberinfrastructure plan for the State; and (6) developing a shared data cloud that integrates data infrastructure, hosted data, and data analytics.

b. The New Jersey Big Data Alliance shall consist of the following members: Rutgers, the State University; Princeton University; New Jersey Institute of Technology; Rowan University; the Richard Stockton College of New Jersey; Kean University; Montclair State University; and the Stevens Institute of Technology. The New Jersey Big Data Alliance shall determine the appropriate size of its membership and admit future members as the alliance deems appropriate.

c. As used in this section:

"Big data" means high volume information assets, high velocity information assets, high variety information assets, or all three, that require new forms of processing to enable enhanced decision making, insight discovery, and process optimization.

The term "cyberinfrastructure" includes, but is not limited to, data networks, computational facilities, computing resources, large data sets, specialized software applications, information technology usage improvements, and the human expertise necessary to develop and manage these resources.

2. This act shall take effect immediately.

Approved August 15, 2014.

CHAPTER 34

AN ACT concerning home elevation contractors, supplementing P.L.1975, c.217 (C.52:27D-119 et seq.), and amending and supplementing P.L.2004, c.16.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.56:8-138.2 Home elevation contractors, rules, regulations; fees; penalties.

1. a. In addition to complying with the other requirements of the "Contractors' Registration Act," P.L.2004, c.16 (C.56:8-136 et seq.), no person shall offer to perform, or engage, or attempt to engage in the business of

home elevation unless registered with the division as a home elevation contractor.

b. The division shall adopt rules and regulations pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of P.L.2014, c.34 (C.56:8-138.2 et al.) with regard to registration of home elevation contractors, and may establish fees for this purpose. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Division of Consumer Affairs may adopt immediately upon filing with the Office of Administrative Law rules and regulations for this purpose, which shall be effective for a period not to exceed 270 days following the date of enactment of P.L.2014, c.34 (C.56:8-138.2 et al.), and may thereafter be amended, adopted, or readopted, by the division in accordance with the requirements of the "Administrative Procedure Act".

c. In addition to any other civil or criminal penalty that may apply, any person who makes a false statement in connection with the process for registration as a home elevation contractor pursuant to this section or in regard to any statement required to be made pursuant to section 7 of P.L.2004, c.16 (C.56:8-142) shall be liable for a civil penalty of not less than $10,000 or more than $25,000. Such penalty may be imposed by the director and shall be collected by summary proceedings instituted in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

d. In addition to any other action that may be authorized by law, the director may suspend or revoke the home improvement contractor registration and home elevation contractor registration of any person who violates any provision of P.L.2014, c.34 (C.56:8-138.2 et al.).

C.52:27D-123.16 Rules, regulations relative to home elevations.

2. a. The Department of Community Affairs shall promulgate rules and regulations setting forth standards, methods, procedures and other requirements that must be followed in performing home elevations. A home elevation contractor, as defined in section 2 of P.L.2004, c.16 (C.56:8-137), shall comply with the standards, methods, procedures and any other requirements for home elevation projects as specified in rules and regulations promulgated by the Department of Community Affairs.

b. No home elevation contractor shall perform a home elevation unless the contractor or a person the contractor employs has a minimum of five years of experience in home elevation. For the purposes of this subsection, experience in home elevation shall include both experience in working

directly on home elevation projects and training in the operation of home elevation equipment.

c. At the time the home elevation contractor applies for a permit to perform a home elevation, the home elevation contractor shall certify that the home elevation contractor is in compliance with P.L.2014, c.34 (C.56:8-138.2 et al.) and any regulations promulgated thereunder, which certification shall be submitted with the permit application in a form prescribed by the Department of Community Affairs.

d. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Division of Codes and Standards in the Department of Community Affairs may adopt immediately upon filing with the Office of Administrative Law any rules and regulations deemed necessary to implement the provisions of subsection a. of this section, which shall be effective for a period not to exceed 270 days following the date of enactment of P.L.2014, c.34 (C.56:8-138.2 et al.), and may thereafter be amended, adopted, or readopted, by the division in accordance with the requirements of the "Administrative Procedure Act."

3. Section 2 of P.L.2004, c.16 (C.56:8-137) is amended to read as follows:

C.56:8-137 Definitions relative to home improvement contractors.

2. As used in this act:

"Contractor" means a person engaged in the business of making or selling home improvements and includes a corporation, partnership, association and any other form of business organization or entity, and its officers, representatives, agents and employees.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Home elevation" means any home improvement that involves raising an entire residential or non-commercial structure to a higher level above the ground.

"Home elevation contractor" means a contractor who engages in the practice of home elevation.

"Home improvement" means the remodeling, altering, renovating, repairing, restoring, modernizing, moving, demolishing, or otherwise improving or modifying of the whole or any part of any residential or non-commercial property. Home improvement shall also include insulation in-

stallation, home elevation, and the conversion of existing commercial structures into residential or non-commercial property.

"Home improvement contract" means an oral or written agreement for the performance of a home improvement between a contractor and an owner, tenant or lessee, of a residential or noncommercial property, and includes all agreements under which the contractor is to perform labor or render services for home improvements, or furnish materials in connection therewith.

"Residential or non-commercial property" means any single or multi-unit structure used in whole or in part as a place of residence, and all structures appurtenant thereto, and any portion of the lot or site on which the structure is situated which is devoted to the residential use of the structure.

4. Section 7 of P.L.2004, c.16 (C.56:8-142) is amended to read as follows:

C.56:8-142 Proof of commercial general liability insurance, cargo, other insurance, posting of bond; requirements.

7. a. On or after December 31, 2005, every registered contractor who is engaged in home improvements shall secure, maintain and file with the director proof of a certificate of commercial general liability insurance in a minimum amount of $500,000 per occurrence.

b. Every registered contractor engaged in home improvements whose commercial general liability insurance policy is cancelled or nonrenewed shall submit to the director a copy of the certificate of commercial general liability insurance for a new or replacement policy which meets the requirements of subsection a. of this section before the former policy is no longer effective.

c. Every home elevation contractor engaged in performing home elevations, in addition to the insurance required pursuant to subsection a. of this section, shall secure and maintain cargo or other insurance that specifically covers home elevation activities, in a minimum amount of $1,000,000 per occurrence to cover damages or other losses to the homeowner, lessee, tenant or other party resulting from a home elevation, except as otherwise provided in this subsection. The Director of the Division of Consumer Affairs in consultation with the Department of Banking and Insurance may promulgate rules and regulations to implement this subsection, which rules and regulations also may require that home elevation contractors secure and maintain additional insurance of such kind and in such amounts as the director may determine in consultation with the Department of Banking and Insurance. In addition to or as an alternative to the insurance required by this

subsection, the director may also require the posting of a bond in favor of the owner, lessee, tenant or other party to the home improvement contract for home elevation. Every bond and insurance policy required to be maintained under this subsection shall provide that the issuer of that bond or policy shall give the director written notice of cancellation or non-renewal of the bond or policy within 10 days of the cancellation or non-renewal.

d. A home elevation contractor, prior to entering into an agreement to perform a home elevation, shall provide proof of insurance to the homeowner including the issuing insurer, policy number, type, and amount of insurance coverage maintained by the contractor in accordance with this section.

5. This act shall take effect on the first day of the second month after the date of enactment, but the State may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved August 15, 2014.

CHAPTER 35

AN ACT concerning the maintenance of certain residential properties, supplementing chapter 48 of Title 40 of the Revised Statutes, and amending P.L.2008, c.127 and amending P.L.2012, c.70.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40:48-2.12s Ordinances to regulate care, maintenance, security, and upkeep of certain residential properties.

1. a. The governing body of any municipality may adopt ordinances to regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties on which a summons and complaint in an action to foreclose has been filed.

b. (1) An ordinance adopted pursuant to subsection a. of this section shall provide that the creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property, and if located out-of-State, shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.

(2) An ordinance adopted pursuant to subsection a. of this section shall authorize a public officer, appointed pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), or any other local official responsible for administration of any property maintenance or public nuisance code to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated the ordinance by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of a notice pursuant to this paragraph shall constitute proof that a property is "vacant and abandoned" for the purposes of P.L.2012, c.70 (C.2A:50-73).

(3) An ordinance adopted pursuant to subsection a. of this section shall provide that an out-of-State creditor include the full name and contact information of the in-State representative or agent in the notice required to be provided pursuant to paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51).

c. (1) An out-of-State creditor subject to an ordinance adopted pursuant to subsection a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of $2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in paragraph (1) of subsection a. of section 17 of P.L.2008, c.127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

(2) A creditor subject to an ordinance adopted pursuant to subsection a. of this section found by the municipal court of the municipality in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to the ordinance shall be subject to a fine of $1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

d. No less than 20 percent of any money collected pursuant to subsection a. of this section shall be utilized by the municipality for municipal code enforcement purposes.

2. Section 17 of P.L.2008, c.127 (C.46:10B-51) is amended to read as follows:

C.46:10B-51 Procedure for serving summons and complaint in action to foreclose on a mortgage.

17. a. (1) A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in this State shall, within 10 days of serving the summons and complaint, notify the municipal clerk of the municipality in which the property is located that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations, may contain information about more than one property, and shall be provided by mail or electronic communication, at the discretion of the municipal clerk. In the event the creditor that has served a summons and complaint in an action to foreclose on a residential property is located out-of-State, the notice shall also contain the full name and contact information of an in-State representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and abandoned. If the municipality has appointed a public officer pursuant to P.L.1942, c.112 (C.40:48-2.3 et seq.), the municipal clerk shall forward a copy of the notice to the public officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.

In the event that the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), then the creditor shall identify that the property is subject to the "Fair Housing Act."

The notice shall also include the street address, lot and block number of the property, and the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor. The notice shall be provided to the municipal clerk within 10 days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

(2) Within 30 days following the effective date of P.L.2009, c.296 (C.2A:50-69 et al.), any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall pro-

(1) there is an unoccupied building which is undergoing construction, renovation, or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and statutes;

(2) there is a building occupied on a seasonal basis, but otherwise secure; or

(3) there is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.

c. In addition to the residential mortgage foreclosure procedures set out in the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-53 et seq.), a summary action to foreclose a mortgage debt secured by residential property that is vacant and abandoned may be brought by a lender in the Superior Court. In addition, a lender may, at any time after filing a foreclosure action, file with the court, in accordance with the Rules Governing the Courts of the State of New Jersey, an application to proceed in a summary manner because the residential property that is the subject of the foreclosure action is believed to be "vacant and abandoned"; provided, however, that this section shall not apply to a foreclosure of a timeshare interest secured by a mortgage.

d. (1) In addition to the service of process required by the Rules of Court, a lender shall establish, for the entry of a residential foreclosure judgment under this section, that a process server has made two unsuccessful attempts to serve the mortgagor or occupant at the residential property, which attempts must be at least 72 hours apart, and during different times of the day, either before noon, between noon and 6 P.M., or between 6 P.M. and 10 P.M.

(2) In addition to any notices required to be served by law or the Rules of Court, a lender shall, with any order to show cause served as original service of process or a motion to proceed summarily, serve a notice that the lender is seeking, on the return date of the order to show cause, or on the date fixed by the court, to proceed summarily for entry of a residential foreclosure judgment because the property is vacant and abandoned.

(3) When a property is deemed vacant and abandoned as herein defined, a lender shall not be required to serve the debtor with the notice to cure required by section 6 of the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-58).

e. (1) The court may enter a final residential mortgage foreclosure judgment under this section upon a finding, (a) by clear and convincing evidence, that the residential property is vacant and abandoned as defined under subsection a. of this section, and (b) that a review of the pleadings

and documents filed with the court, as required by the Rules of Court, supports the entry of a final residential mortgage foreclosure judgment.

(2) A final residential mortgage foreclosure judgment under this section shall not be entered if the court finds that:

(a) the property is not vacant or abandoned; or

(b) the mortgagor or any other defendant has filed an answer, appearance, or other written objection that is not withdrawn and the defenses or objection asserted provide cause to preclude the entry of a final residential mortgage foreclosure judgment.

f. If a final residential mortgage foreclosure judgment under this section is not entered on the original or adjourned return date of an order to show cause or the date fixed by the court to proceed summarily, the court may direct that the foreclosure action continue on the normal track for residential mortgage foreclosure actions for properties that are not vacant and abandoned and the notice to cure served with the order to show cause or the order fixing that date for the matter to proceed summarily shall be of no effect.

g. All actions brought to foreclose on real property pursuant to this section shall proceed in accordance with the Rules of Court.

h. Nothing in this section is intended to supersede or limit other procedures adopted by the Court to resolve residential mortgage foreclosure actions, including, but not limited to, foreclosure mediation.

i. Nothing in this section shall be construed to affect the rights of a tenant to possession of a leasehold interest under the Anti-Eviction Act, P.L.1974, c.49 (C.2A:18-61.1 et seq.), the "New Jersey Foreclosure Fairness Act," P.L.2009, c.296 (C.2A:50-69 et seq.), or any other applicable law.

j. Notwithstanding paragraph (3) of subsection a. of section 12 of P.L.1995, c.244 (C.2A:50-64) to the contrary, if the court makes a finding in the foreclosure judgment that the property is vacant and abandoned, the sheriff shall sell the property within 60 days of the sheriff's receipt of any writ of execution issued by the court. If it becomes apparent that the sheriff cannot comply with the provisions of this subsection, the foreclosing plaintiff may apply to the court for an order appointing a Special Master or judicial agent to hold the foreclosure sale.

4. This act shall take effect immediately.

Approved August 15, 2014.

CHAPTER 36

AN ACT concerning health education and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:35-4.28 Instruction in cardiopulmonary resuscitation, use of automated external defibrillator for certain students.

1. a. Notwithstanding the provisions of any law, rule, or regulation to the contrary, the board of education of a public school district that includes grades 9 through 12, or the board of trustees of a charter school that includes grades 9 through 12, shall provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student prior to graduation as part of the district's implementation of the Core Curriculum Content Standards in Comprehensive Health and Physical Education. The board of education, or board of trustees, may select a no-cost, non-certification instructional program to meet this requirement.

b. The provisions of subsection a. of this section shall first be effective with the 2014-2015 grade nine class.

C.18A:35-4.29 Instruction provided.

2. The instruction provided pursuant to section 1 of this act shall:

a. be modeled from an instructional program established by the American Heart Association, American Red Cross, or other nationally-recognized association with expertise in instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator; and

b. include a hands-on learning component for each participating student.

3. This act shall take effect immediately.

Approved August 20, 2014.

CHAPTER 37

AN ACT concerning the Internet publication of certain information related to the "New Jersey Farm to School Program," and amending P.L.2011, c.10.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.2011, c.10 (C.4:10-25.2) is amended to read as follows:

C.4:10-25.2 Rules, regulations; development of program.

2. a. The Department of Agriculture shall develop a "New Jersey Farm to School Program" and, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations for its implementation, including, but not necessarily limited to, rules and regulations that:

(1) provide encouragement for schools that participate in school meal programs to expand or improve their kitchen facilities to allow for the daily production of meals that incorporate more fresh, locally grown or produced farm produce, fruit or other products;

(2) establish a bidding matrix that provides for school purchases of New Jersey-grown food and allows schools to adopt price preferences for local agricultural and farm products; and

(3) in conjunction and cooperation with the Department of Education, provide for the incorporation and coordination of school curricula with information about:

(a) New Jersey agriculture;

(b) the importance and significance of farms and farmers to New Jersey's economy, culture, history, and quality of life; and

(c) the health value of eating fresh farm foods and locally grown produce and fruits.

b. The Department of Agriculture, in conjunction with the Department of Education, shall develop a training program with emphasis on the theme of "Farm to School" and shall offer this program to schools, teachers, and other event providers.

c. (1) The Department of Agriculture shall establish a "New Jersey Farm to School" website that shall be designed to:

(a) provide opportunities for the establishment of purchasing networks between and among farmers, distributors, and schools or school districts;

(b) facilitate the development and refinement of promotional events in association with "Jersey Fresh Farm to School Week"; and

(c) provide for the dissemination of information about, and the website-based promotion of, these and other related events.

The department shall include on the "New Jersey Farm to School" website a copy of any public contract or other written agreement for the purchase of fresh foods and the provision thereof to school children, which has been entered into and successfully implemented by any school or school district in the State.

(2) The department shall post, in a prominent location on the homepage of its Internet website, a hyperlink that provides visitors with direct access to the "New Jersey Farm to School" website established pursuant to this subsection.

2. This act shall take effect immediately.

Approved August 25, 2014.

CHAPTER 38

AN ACT concerning voluntary contributions through gross income tax returns to support farm to school and school gardens programs, supplementing Chapter 9 of Title 54A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54A:9-25.36 "New Jersey Farm to School and School Garden Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "New Jersey Farm to School and School Garden Fund."

b. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's refund or an enclosed contribution shall be deposited in the special fund.

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting in the Department of Taxation. The State Treasurer shall deposit net contributions collected pursuant to this section to the "New Jersey Farm to School and School Garden Fund."

d. The Legislature shall annually appropriate all funds deposited in the "New Jersey Farm to School and School Garden Fund" established pursuant to this section to the New Jersey Department of Agriculture for use in

support of its Farm to School program and grants for the development and expansion of the Farm to School program and school gardens activities.

2. This act shall take effect immediately and apply to taxable years beginning on or after January 1 next following enactment.

Approved August 25, 2014.

CHAPTER 39

AN ACT concerning contributions to the "New Jersey Farm to School Program," and supplementing Title 4 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.4:10-25.2a Contributions to "New Jersey Farm to School Program" permitted.

1. The Secretary of Agriculture may solicit and accept contributions from private and public sources for the purpose of providing support to help fund the "New Jersey Farm to School Program," established pursuant to section 2 of P.L.2011, c.10 (C.4:10-25.2), which encourages schools to purchase produce from local farmers to incorporate in school meals throughout the growing season, and to increase the amount of local fresh produce available for consumption by students during the school day.

2. This act shall take effect immediately.

Approved August 25, 2014.

CHAPTER 40

AN ACT concerning the New Jersey "Farm to School" Program and supplementing Title 4 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.4:10-25.2b "Best in New Jersey 'Farm to School' Awards Program."

1. a. The Department of Agriculture, in coordination with the Department of Education and any agricultural or farming organization as determined appropriate by the Department of Agriculture, shall establish an awards program to be known as the "Best in New Jersey 'Farm to School' Awards Program."

The program shall annually recognize schools or school districts with outstanding achievements in the incorporation of farm-to-school principles into their school meal and snack programs, including, but not limited to:

(1) innovative use of local farm produce and products in a school;

(2) outstanding and consistent high levels of nutritional balance and excellence in the use of farm produce and products in a school; and

(3) quantifiable increases in pupil awareness of the contribution of farmers and farms to the quality of a school's meal or snack program.

b. The department shall establish an application procedure and criteria and guidelines for the eligibility, nomination, and judging of applications for the awards program. Applications shall be evaluated using performance criteria, including but not limited to: (1) incorporation of department farm-to-school principles and measurable increase and documentation of the use of farm produce and products in the school or school district; (2) education and outreach concerning the nutritional importance of fresh produce and food products and the connection of a school or school district to farms and farmers in the State; (3) leadership and innovation by the school or school district; (4) exceedance of nutritional requirements of the school breakfast program or school lunch program; and (5) increased participation in the school breakfast program or school lunch program.

c. The department shall post the names of the recipients of the "Best in New Jersey 'Farm to School' Awards" prominently on the department's website, and shall recognize the recipients through the award of a certificate, a press announcement, or another form of recognition deemed appropriate to highlight the achievements of these recipients. The department may coordinate with the Department of Education and any agricultural or farming organization as determined appropriate by the Department of Agriculture, in recognizing the award recipients.

2. This act shall take effect immediately.

Approved August 25, 2014.

CHAPTER 41

AN ACT establishing a farmer clearinghouse website for use by school breakfast programs, school lunch programs, and food banks, and supplementing Title 4 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.4:10-25.2c Clearinghouse website for farmer to offer produce, dairy products; rules, regulations.

1. a. The Department of Agriculture, in consultation with the Department of Education and the Department of Health, shall establish and maintain, or partner with a nonprofit organization to establish and maintain, a website to serve as a clearinghouse for farmers to provide produce and dairy products to school breakfast programs, school lunch programs, and food banks throughout the State. The website shall include a list of schools, school districts, and food banks with a need for produce or dairy products, organized by county, with hyperlinks to each individual school, school district, or food bank website.

b. The Department of Agriculture may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations necessary for the implementation of this act.

2. This act shall take effect 12 months after the date of enactment.

Approved August 25, 2014.

CHAPTER 42

AN ACT concerning alimony and amending N.J.S.2A:34-23.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2A:34-23 is amended to read as follows:

Alimony, maintenance.

2A:34-23. Alimony, maintenance.

Pending any matrimonial action or action for dissolution of a civil union brought in this State or elsewhere, or after judgment of divorce or dissolution or maintenance, whether obtained in this State or elsewhere, the court may make such order as to the alimony or maintenance of the parties, and also as to the care, custody, education and maintenance of the children, or any of them, as the circumstances of the parties and the nature of the case shall render fit, reasonable and just, and require reasonable security for the due observance of such orders, including, but not limited to, the creation of trusts or other security devices, to assure payment of reasonably foreseeable medical and educational expenses. Upon neglect or refusal to give such reasonable security, as shall be required, or upon default in complying with any such order, the court may award and issue process for the immediate sequestration of the personal estate, and the rents and profits of the real estate of the party so charged, and appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate, or so much thereof as shall be necessary, to be applied toward such alimony and maintenance as to the said court shall from time to time seem reasonable and just; or the performance of the said orders may be enforced by other ways according to the practice of the court. Orders so made may be revised and altered by the court from time to time as circumstances may require.

The court may order one party to pay a retainer on behalf of the other for expert and legal services when the respective financial circumstances of the parties make the award reasonable and just. In considering an application, the court shall review the financial capacity of each party to conduct the litigation and the criteria for award of counsel fees that are then pertinent as set forth by court rule. Whenever any other application is made to a court which includes an application for pendente lite or final award of counsel fees, the court shall determine the appropriate award for counsel fees, if any, at the same time that a decision is rendered on the other issue then before the court and shall consider the factors set forth in the court rule on counsel fees, the financial circumstances of the parties, and the good or bad faith of either party. The court may not order a retainer or counsel fee of a party convicted of an attempt or conspiracy to murder the other party to be paid by the party who was the intended victim of the attempt or conspiracy.

a. In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court in those cases not governed by court rule shall consider, but not be limited to, the following factors:

(1) Needs of the child;

(2) Standard of living and economic circumstances of each parent;

(3) All sources of income and assets of each parent;

(4) Earning ability of each parent, including educational background, training, employment skills, work experience, custodial responsibility for children including the cost of providing child care and the length of time and cost of each parent to obtain training or experience for appropriate employment;

(5) Need and capacity of the child for education, including higher education;

(6) Age and health of the child and each parent;

(7) Income, assets and earning ability of the child;

(8) Responsibility of the parents for the court-ordered support of others;

(9) Reasonable debts and liabilities of each child and parent; and

(10) Any other factors the court may deem relevant.

The obligation to pay support for a child who has not been emancipated by the court shall not terminate solely on the basis of the child's age if the child suffers from a severe mental or physical incapacity that causes the child to be financially dependent on a parent. The obligation to pay support for that child shall continue until the court finds that the child is relieved of the incapacity or is no longer financially dependent on the parent. However, in assessing the financial obligation of the parent, the court shall consider, in addition to the factors enumerated in this section, the child's eligibility for public benefits and services for people with disabilities and may make such orders, including an order involving the creation of a trust, as are necessary to promote the well-being of the child.

As used in this section "severe mental or physical incapacity" shall not include a child's abuse of, or addiction to, alcohol or controlled substances.

b. In all actions brought for divorce, dissolution of a civil union, divorce from bed and board, legal separation from a partner in a civil union couple or nullity the court may award one or more of the following types of alimony: open durational alimony; rehabilitative alimony; limited duration alimony or reimbursement alimony to either party. In so doing the court shall consider, but not be limited to, the following factors:

(1) The actual need and ability of the parties to pay;

(2) The duration of the marriage or civil union;

(3) The age, physical and emotional health of the parties;

(4) The standard of living established in the marriage or civil union and the likelihood that each party can maintain a reasonably comparable standard of living, with neither party having a greater entitlement to that standard of living than the other;

(5) The earning capacities, educational levels, vocational skills, and employability of the parties;

(6) The length of absence from the job market of the party seeking maintenance;

(7) The parental responsibilities for the children;

(8) The time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, the availability of the training and employment, and the opportunity for future acquisitions of capital assets and income;

(9) The history of the financial or non-financial contributions to the marriage or civil union by each party including contributions to the care and education of the children and interruption of personal careers or educational opportunities;

(10) The equitable distribution of property ordered and any payouts on equitable distribution, directly or indirectly, out of current income, to the extent this consideration is reasonable, just and fair;

(11) The income available to either party through investment of any assets held by that party;

(12) The tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as a nontaxable payment;

(13) The nature, amount, and length of pendente lite support paid, if any; and

(14) Any other factors which the court may deem relevant.

In each case where the court is asked to make an award of alimony, the court shall consider and assess evidence with respect to all relevant statutory factors. If the court determines that certain factors are more or less relevant than others, the court shall make specific written findings of fact and conclusions of law on the reasons why the court reached that conclusion. No factor shall be elevated in importance over any other factor unless the court finds otherwise, in which case the court shall make specific written findings of fact and conclusions of law in that regard.

When a share of a retirement benefit is treated as an asset for purposes of equitable distribution, the court shall not consider income generated thereafter by that share for purposes of determining alimony.

c. In any case in which there is a request for an award of alimony, the court shall consider and make specific findings on the evidence about all of the statutory factors set forth in subsection b. of this section.

For any marriage or civil union less than 20 years in duration, the total duration of alimony shall not, except in exceptional circumstances, exceed

the length of the marriage or civil union. Determination of the length and amount of alimony shall be made by the court pursuant to consideration of all of the statutory factors set forth in subsection b. of this section. In addition to those factors, the court shall also consider the practical impact of the parties' need for separate residences and the attendant increase in living expenses on the ability of both parties to maintain a standard of living reasonably comparable to the standard of living established in the marriage or civil union, to which both parties are entitled, with neither party having a greater entitlement thereto.

Exceptional circumstances which may require an adjustment to the duration of alimony include:

(1) The ages of the parties at the time of the marriage or civil union and at the time of the alimony award;

(2) The degree and duration of the dependency of one party on the other party during the marriage or civil union;

(3) Whether a spouse or partner has a chronic illness or unusual health circumstance;

(4) Whether a spouse or partner has given up a career or a career opportunity or otherwise supported the career of the other spouse or partner;

(5) Whether a spouse or partner has received a disproportionate share of equitable distribution;

(6) The impact of the marriage or civil union on either party's ability to become self-supporting, including but not limited to either party's responsibility as primary caretaker of a child;

(7) Tax considerations of either party;

(8) Any other factors or circumstances that the court deems equitable, relevant and material.

An award of alimony for a limited duration may be modified based either upon changed circumstances, or upon the nonoccurrence of circumstances that the court found would occur at the time of the award. The court may modify the amount of such an award, but shall not modify the length of the term except in unusual circumstances.

In determining the length of the term, the court shall consider the length of time it would reasonably take for the recipient to improve his or her earning capacity to a level where limited duration alimony is no longer appropriate.

d. Rehabilitative alimony shall be awarded based upon a plan in which the payee shows the scope of rehabilitation, the steps to be taken, and the time frame, including a period of employment during which rehabilitation will occur. An award of rehabilitative alimony may be modified

based either upon changed circumstances, or upon the nonoccurrence of circumstances that the court found would occur at the time of the rehabilitative award.

This section is not intended to preclude a court from modifying alimony awards based upon the law.

e. Reimbursement alimony may be awarded under circumstances in which one party supported the other through an advanced education, anticipating participation in the fruits of the earning capacity generated by that education. An award of reimbursement alimony shall not be modified for any reason.

f. Except as provided in subsection i., nothing in this section shall be construed to limit the court's authority to award open durational alimony, limited duration alimony, rehabilitative alimony or reimbursement alimony, separately or in any combination, as warranted by the circumstances of the parties and the nature of the case.

g. In all actions for divorce or dissolution other than those where judgment is granted solely on the ground of separation the court may consider also the proofs made in establishing such ground in determining an amount of alimony or maintenance that is fit, reasonable and just. In all actions for divorce, dissolution of civil union, divorce from bed and board, or legal separation from a partner in a civil union couple where judgment is granted on the ground of institutionalization for mental illness the court may consider the possible burden upon the taxpayers of the State as well as the ability of the party to pay in determining an amount of maintenance to be awarded.

h. Except as provided in this subsection, in all actions where a judgment of divorce, dissolution of civil union, divorce from bed and board or legal separation from a partner in a civil union couple is entered the court may make such award or awards to the parties, in addition to alimony and maintenance, to effectuate an equitable distribution of the property, both real and personal, which was legally and beneficially acquired by them or either of them during the marriage or civil union. However, all such property, real, personal or otherwise, legally or beneficially acquired during the marriage or civil union by either party by way of gift, devise, or intestate succession shall not be subject to equitable distribution, except that interspousal gifts or gifts between partners in a civil union couple shall be subject to equitable distribution. The court may not make an award concerning the equitable distribution of property on behalf of a party convicted of an attempt or conspiracy to murder the other party.

i. No person convicted of Murder, N.J.S.2C:11-3; Manslaughter, N.J.S.2C:11-4; Criminal Homicide, N.J.S.2C:11-2; Aggravated Assault, under subsection b. of N.J.S.2C:12-1; or a substantially similar offense under the laws of another jurisdiction, may receive alimony if: (1) the crime results in death or serious bodily injury, as defined in subsection b. of N.J.S.2C:11-1, to a family member of a divorcing party; and (2) the crime was committed after the marriage or civil union. A person convicted of an attempt or conspiracy to commit murder may not receive alimony from the person who was the intended victim of the attempt or conspiracy. Nothing in this subsection shall be construed to limit the authority of the court to deny alimony for other bad acts.

As used in this subsection:

"Family member" means a spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage or civil union, or adoption.

j. Alimony may be modified or terminated upon the prospective or actual retirement of the obligor.

(1) There shall be a rebuttable presumption that alimony shall terminate upon the obligor spouse or partner attaining full retirement age, except that any arrearages that have accrued prior to the termination date shall not be vacated or annulled. The court may set a different alimony termination date for good cause shown based on specific written findings of fact and conclusions of law.

The rebuttable presumption may be overcome if, upon consideration of the following factors and for good cause shown, the court determines that alimony should continue:

(a) The ages of the parties at the time of the application for retirement;

(b) The ages of the parties at the time of the marriage or civil union and their ages at the time of entry of the alimony award;

(c) The degree and duration of the economic dependency of the recipient upon the payor during the marriage or civil union;

(d) Whether the recipient has foregone or relinquished or otherwise sacrificed claims, rights or property in exchange for a more substantial or longer alimony award;

(e) The duration or amount of alimony already paid;

(f) The health of the parties at the time of the retirement application;

(g) Assets of the parties at the time of the retirement application;

(h) Whether the recipient has reached full retirement age as defined in this section;

(i) Sources of income, both earned and unearned, of the parties;

(j) The ability of the recipient to have saved adequately for retirement; and

(k) Any other factors that the court may deem relevant.

If the court determines, for good cause shown based on specific written findings of fact and conclusions of law, that the presumption has been overcome, then the court shall apply the alimony factors as set forth in subsection b. of this section to the parties' current circumstances in order to determine whether modification or termination of alimony is appropriate. If the obligor intends to retire but has not yet retired, the court shall establish the conditions under which the modification or termination of alimony will be effective.

(2) Where the obligor seeks to retire prior to attaining the full retirement age as defined in this section, the obligor shall have the burden of demonstrating by a preponderance of the evidence that the prospective or actual retirement is reasonable and made in good faith. Both the obligor's application to the court for modification or termination of alimony and the obligee's response to the application shall be accompanied by current Case Information Statements or other relevant documents as required by the Rules of Court, as well as the Case Information Statements or other documents from the date of entry of the original alimony award and from the date of any subsequent modification.

In order to determine whether the obligor has met the burden of demonstrating that the obligor's prospective or actual retirement is reasonable and made in good faith, the court shall consider the following factors:

(a) The age and health of the parties at the time of the application;

(b) The obligor's field of employment and the generally accepted age of retirement for those in that field;

(c) The age when the obligor becomes eligible for retirement at the obligor's place of employment, including mandatory retirement dates or the dates upon which continued employment would no longer increase retirement benefits;

(d) The obligor's motives in retiring, including any pressures to retire applied by the obligor's employer or incentive plans offered by the obligor's employer;

(e) The reasonable expectations of the parties regarding retirement during the marriage or civil union and at the time of the divorce or dissolution;

(f) The ability of the obligor to maintain support payments following retirement, including whether the obligor will continue to be employed part-time or work reduced hours;

(g) The obligee's level of financial independence and the financial impact of the obligor's retirement upon the obligee; and

(h) Any other relevant factors affecting the obligor's decision to retire and the parties' respective financial positions.

If the obligor intends to retire but has not yet retired, the court shall establish the conditions under which the modification or termination of alimony will be effective.

(3) When a retirement application is filed in cases in which there is an existing final alimony order or enforceable written agreement established prior to the effective date of this act, the obligor's reaching full retirement age as defined in this section shall be deemed a good faith retirement age. Upon application by the obligor to modify or terminate alimony, both the obligor's application to the court for modification or termination of alimony and the obligee's response to the application shall be accompanied by current Case Information Statements or other relevant documents as required by the Rules of Court, as well as the Case Information Statements or other documents from the date of entry of the original alimony award and from the date of any subsequent modification. In making its determination, the court shall consider the ability of the obligee to have saved adequately for retirement as well as the following factors in order to determine whether the obligor, by a preponderance of the evidence, has demonstrated that modification or termination of alimony is appropriate:

(a) The age and health of the parties at the time of the application;

(b) The obligor's field of employment and the generally accepted age of retirement for those in that field;

(c) The age when the obligor becomes eligible for retirement at the obligor's place of employment, including mandatory retirement dates or the dates upon which continued employment would no longer increase retirement benefits;

(d) The obligor's motives in retiring, including any pressures to retire applied by the obligor's employer or incentive plans offered by the obligor's employer;

(e) The reasonable expectations of the parties regarding retirement during the marriage or civil union and at the time of the divorce or dissolution;

(f) The ability of the obligor to maintain support payments following retirement, including whether the obligor will continue to be employed part-time or work reduced hours;

(g) The obligee's level of financial independence and the financial impact of the obligor's retirement upon the obligee; and

(h) Any other relevant factors affecting the parties' respective financial positions.

(4) The assets distributed between the parties at the time of the entry of a final order of divorce or dissolution of a civil union shall not be considered by the court for purposes of determining the obligor's ability to pay alimony following retirement.

k. When a non-self-employed party seeks modification of alimony, the court shall consider the following factors:

(1) The reasons for any loss of income;

(2) Under circumstances where there has been a loss of employment, the obligor's documented efforts to obtain replacement employment or to pursue an alternative occupation;

(3) Under circumstances where there has been a loss of employment, whether the obligor is making a good faith effort to find remunerative employment at any level and in any field;

(4) The income of the obligee; the obligee's circumstances; and the obligee's reasonable efforts to obtain employment in view of those circumstances and existing opportunities;

(5) The impact of the parties' health on their ability to obtain employment;

(6) Any severance compensation or award made in connection with any loss of employment;

(7) Any changes in the respective financial circumstances of the parties that have occurred since the date of the order from which modification is sought;

(8) The reasons for any change in either party's financial circumstances since the date of the order from which modification is sought, including, but not limited to, assessment of the extent to which either party's financial circumstances at the time of the application are attributable to enhanced earnings or financial benefits received from any source since the date of the order;

(9) Whether a temporary remedy should be fashioned to provide adjustment of the support award from which modification is sought, and the terms of any such adjustment, pending continuing employment investigations by the unemployed spouse or partner; and

(10) Any other factor the court deems relevant to fairly and equitably decide the application.

Under circumstances where the changed circumstances arise from the loss of employment, the length of time a party has been involuntarily unemployed or has had an involuntary reduction in income shall not be the only factor considered by the court when an application is filed by a non-self-employed party to reduce alimony because of involuntary loss of employment. The court shall determine the application based upon all of the enumerated factors, however, no application shall be filed until a party has been unemployed, or has not been able to return to or attain employment at prior income levels, or both, for a period of 90 days. The court shall have discretion to make any relief granted retroactive to the date of the loss of employment or reduction of income.

l. When a self-employed party seeks modification of alimony because of an involuntary reduction in income since the date of the order from which modification is sought, then that party's application for relief must include an analysis that sets forth the economic and non-economic benefits the party receives from the business, and which compares these economic and non-economic benefits to those that were in existence at the time of the entry of the order.

m. When assessing a temporary remedy, the court may temporarily suspend support, or reduce support on terms; direct that support be paid in some amount from assets pending further proceedings; direct a periodic review; or enter any other order the court finds appropriate to assure fairness and equity to both parties.

n. Alimony may be suspended or terminated if the payee cohabits with another person. Cohabitation involves a mutually supportive, intimate personal relationship in which a couple has undertaken duties and privileges that are commonly associated with marriage or civil union but does not necessarily maintain a single common household.

When assessing whether cohabitation is occurring, the court shall consider the following:

(1) Intertwined finances such as joint bank accounts and other joint holdings or liabilities;

(2) Sharing or joint responsibility for living expenses;

(3) Recognition of the relationship in the couple's social and family circle;

(4) Living together, the frequency of contact, the duration of the relationship, and other indicia of a mutually supportive intimate personal relationship;

(5) Sharing household chores;

(6) Whether the recipient of alimony has received an enforceable promise of support from another person within the meaning of subsection h. of R.S.25:1-5; and

(7) All other relevant evidence.

In evaluating whether cohabitation is occurring and whether alimony should be suspended or terminated, the court shall also consider the length of the relationship. A court may not find an absence of cohabitation solely on grounds that the couple does not live together on a full-time basis.

As used in this section:

"Full retirement age" shall mean the age at which a person is eligible to receive full retirement for full retirement benefits under section 216 of the federal Social Security Act (42 U.S.C. s.416).

2. This act shall take effect immediately and shall not be construed either to modify the duration of alimony ordered or agreed upon or other specifically bargained for contractual provisions that have been incorporated into:

a. a final judgment of divorce or dissolution;

b. a final order that has concluded post-judgment litigation; or

c. any enforceable written agreement between the parties.

Approved September 10, 2014.

CHAPTER 43

AN ACT concerning involuntary commitment to treatment and amending P.L.1987, c.116.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 10 of P.L.1987, c.116 (C.30:4-27.10) is amended to read as follows:

C.30:4-27.10 Court proceedings.

10. a. (1) A short-term care or psychiatric facility or a special psychiatric hospital shall initiate court proceedings for involuntary commitment to inpatient or outpatient treatment by submitting to the court a clinical certificate completed by a psychiatrist on the patient's treatment team or an elec-

tronically scanned clinical certificate in lieu of the original certificate, and the screening certificate or an electronically scanned screening certificate in lieu of the original certificate which authorized admission of the patient to the facility; provided, however, that both certificates shall not be signed by the same psychiatrist unless the psychiatrist has made a reasonable but unsuccessful attempt to have another psychiatrist conduct the evaluation and execute the certificate.

(2) A screening service or outpatient treatment provider shall initiate court proceedings for commitment to outpatient treatment by submitting to the court a clinical certificate completed by a psychiatrist on the patient's treatment team or an electronically scanned clinical certificate in lieu of the original certificate, and the screening certificate or an electronically scanned screening certificate in lieu of the original certificate which authorized assignment of the patient to outpatient treatment with the outpatient treatment provider; provided, however, that both certificates shall not be signed by the same psychiatrist unless the psychiatrist has made a reasonable but unsuccessful attempt to have another psychiatrist conduct the evaluation and execute the certificate.

b. Court proceedings for the involuntary commitment to treatment of any person not referred by a screening service may be initiated by the submission to the court of two clinical certificates, at least one of which is prepared by a psychiatrist. The person shall not be involuntarily committed before the court issues a temporary court order.

c. A court proceeding for involuntary commitment to treatment of an inmate who is scheduled for release upon expiration of a maximum term of incarceration shall be initiated by the Attorney General or county prosecutor by submission to the court of two clinical certificates, at least one of which is prepared by a psychiatrist.

d. The Attorney General, in exercise of the State's authority as parens patriae, may initiate a court proceeding for the involuntary commitment to treatment of any person in accordance with the procedures set forth in subsection a. or b. of this section. When the Attorney General determines that the public safety requires initiation of a proceeding pursuant to subsection b. of this section, the Attorney General may apply to the court for an order compelling the psychiatric evaluation of the person. The court shall grant the Attorney General's application if the court finds that there is reasonable cause to believe that the person may be in need of involuntary commitment to treatment. The Attorney General may delegate the authority granted pursuant to this subsection, on a case by case basis, to the county prosecutor.

e. Any person who is a relative by blood or marriage of the person being screened who executes a clinical certificate, or any person who signs a clinical certificate for any purpose or motive other than for purposes of care, treatment and confinement of a person in need of involuntary commitment to treatment, shall be guilty of a crime of the fourth degree.

f. Upon receiving these documents the court shall immediately review them in order to determine whether there is probable cause to believe that the person is in need of involuntary commitment to treatment.

g. If the court finds that there is probable cause to believe that the person, other than a person whose commitment is sought pursuant to subsection c. of this section, is in need of involuntary commitment to treatment, it shall issue a temporary order authorizing the assignment of the person to an outpatient treatment provider or the admission to or retention of the person in the custody of the facility, that is both appropriate to the person's condition and is the least restrictive environment, pending a final hearing.

h. If the court finds that there is probable cause to believe that a person whose commitment is sought pursuant to subsection c. of this section is in need of involuntary commitment to treatment, it shall issue an order setting a date for a final hearing and authorizing the Commissioner of the Department of Corrections to arrange for temporary commitment pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2) to the Ann Klein Forensic Center in Trenton or other facility designated for the criminally insane pending the final hearing and prior to the expiration of the person's term. The order shall specifically provide for transfer of custody to the Ann Klein Forensic Center in Trenton or other facility designated for the criminally insane if the person's maximum term will expire prior to the final hearing.

i. In the case of a person committed to treatment at a short-term care facility or special psychiatric hospital, after the facility's treatment team conducts a mental and physical examination, administers appropriate treatment and prepares a discharge assessment, the facility may transfer the patient to a psychiatric facility prior to the final hearing; provided that: (1) the patient, his family and his attorney are given 24 hours' advance notice of the pending transfer; and (2) the transfer is accomplished in a manner which will give the receiving facility adequate time to examine the patient, become familiar with his behavior and condition and prepare for the hearing. In no event shall the transfer be made less than five days prior to the date of the hearing unless an unexpected transfer is dictated by a change in the person's clinical condition.

j. A clinical certificate or screening certificate that is electronically scanned pursuant to subsection a. or b. of this section shall be transmitted in accordance with the Rules of Court.

2. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 44

AN ACT concerning screening for mucopolysaccharidosis I and II in newborn infants and supplementing Title 26 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2-111.7 "Let Them Be Little Act," screening of newborns for MPSI and MPSII provided.

1. a. All infants born in this State shall be tested for mucopolysaccharidosis I (MPS I), also known as Hurler syndrome, Hurler-Scheie syndrome, or Scheie syndrome, beginning six months following the occurrence of all of the following:

(1) the development of a reliable test or series of tests for screening newborns for MPS I using dried blood spots and quality assurance testing methodology for Hunter syndrome testing;

(2) the availability of quality assurance materials for the MPS I test from the federal Centers for Disease Control and Prevention;

(3) the inclusion of newborn screening for MPS I in the Recommended Uniform Screening Panel of the United States Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children, after the committee's evidence review of newborn screening for MPS I;

(4) the review by the Department of Health of the proposed test; and

(5) the acquisition of equipment necessary to implement the expanded screening tests by the State's Newborn Screening Laboratory.

b. All infants born in this State shall be tested for mucopolysaccharidosis II (MPS II), also called Hunter syndrome, beginning six months following the occurrence of all of the following:

(1) the development of a reliable test or series of tests for screening newborns for MPS II using dried blood spots and quality assurance testing methodology for Hunter syndrome testing;

(2) the availability of quality assurance materials for the MPS II test from the federal Centers for Disease Control and Prevention;

(3) the inclusion of newborn screening for MPS II in the Recommended Uniform Screening Panel of the United States Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children, after the committee's evidence review of newborn screening for MPS II;

(4) the review by the Department of Health of the proposed test; and

(5) the acquisition of equipment necessary to implement the expanded screening tests by the State's Newborn Screening Laboratory.

c. The Department of Health may charge a reasonable fee and any reasonable increase in this fee as necessary, for the tests performed pursuant to this section. The amount of the fee and the procedures for collecting the fee shall be determined by the Commissioner of Health.

2. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 45

AN ACT concerning electronic funds transfer and amending N.J.S.2C:21-5.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:21-5 is amended to read as follows:

Bad checks, money orders, electronic funds transfers.

2C:21-5. A person who issues or passes a check or similar sight order for the payment of money, or authorizes an electronic funds transfer, knowing that it will not be honored by the drawee, commits an offense as provided for in subsection c. of this section. For the purposes of this section as well as in any prosecution for theft committed by means of a bad check, an issuer is presumed to know that the check, money order, or electronic funds transfer (other than a post-dated check, money order, or electronic funds transfer) would not be paid, if:

a. The issuer had no account with the drawee at the time the check or money order was issued or the electronic funds transfer was made; or

b. Payment was refused by the drawee for lack of funds, or due to a closed account, after a deposit by the payee into a bank for collection or after presentation to the drawee within 46 days after issue, and the issuer failed to make good within 10 days after receiving notice of that refusal or after notice has been sent to the issuer's last known address. Notice of refusal may be given to the issuer orally or in writing in any reasonable manner by any person.

c. An offense under this section is:

(1) a crime of the second degree if the amount of the check, money order, or electronic funds transfer is $75,000.00 or more;

(2) a crime of the third degree if the amount of the check, money order, or electronic funds transfer is $1,000.00 or more but is less than $75,000.00;

(3) a crime of the fourth degree if the amount of the check, money order, or electronic funds transfer is $200.00 or more but is less than $1,000.00;

(4) a disorderly persons offense if the amount of the check, money order, or electronic funds transfer is less than $200.00.

2. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 46

AN ACT concerning electronic funds transfers and amending P.L.1993, c.379.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1993, c.379 (C.2A:32A-1) is amended to read as follows:

C.2A:32A-1 Civil action for bad checks, electronic funds transfers.

1. a. Notwithstanding N.J.S.2C:21-5, or any other criminal sanction which may apply, any person who makes any check, draft, or order of withdrawal for the payment of money, or authorizes an electronic funds transfer, which is subsequently dishonored for lack of funds or credit to pay, or because the maker

does not have an account with the drawee, and who then fails to pay the face amount in cash or by cashier's or certified check within 35 days after the date a demand for payment of dishonored check notice was mailed by or on behalf of a payee by certified mail to the maker's last known address, shall be liable to the payee, in addition to the amount owing upon the check, draft, order, or electronic funds transfer for attorneys' fees, court costs and the costs of mailing the written demand for payment and for damages in an amount equal to $100 or triple the amount for which the check, draft, order, or electronic funds transfer is drawn or made, whichever is greater. However, damages recovered under this section shall not exceed by more than $500 the amount of the check, draft, order, or electronic funds transfer.

For purposes of this section, "date" means the date indicated on the form registering the demand notice as certified mail.

b. A cause of action under this section may be brought in any court of competent jurisdiction. Prior to the hearing of any action under this section, the defendant may tender to the plaintiff and the plaintiff shall accept as satisfaction of the claim, an amount of money equal to the sum of the face amount of the check, draft, order, or electronic funds transfer and the incurred attorneys' fees, court costs and costs of mailing the written demand for payment.

c. The written demand for payment required by this section shall be in the following form and shall be printed in both the English and Spanish languages:

DEMAND FOR PAYMENT OF DISHONORED CHECK

DATE: .....
TO: .....

WARNING: YOU MAY BE SUED IF YOU DO NOT MAKE PAYMENT OF THE AMOUNT SHOWN ON THIS NOTICE WITHIN 35 DAYS AFTER THE DATE THIS NOTICE WAS MAILED.

NAME OF MAKER
.....
.....
.....
LAST KNOWN RESIDENCE ADDRESS
OR PLACE OF BUSINESS

YOUR CHECK/DRAFT/ORDER /ELECTRONIC FUNDS TRANSFER IN THE AMOUNT OF $..... DATED ....., PAYABLE TO THE ORDER OF ..... HAS BEEN DISHONORED BY THE BANK OR OTHER DEPOSITORY UPON WHICH IT HAS BEEN DRAWN BECAUSE:

..... THE MAKER HAD NO ACCOUNT WITH SUCH BANK OR DEPOSITORY

..... THE MAKER HAD INSUFFICIENT FUNDS ON DEPOSIT WITH SUCH BANK OR DEPOSITORY

IF YOU DO NOT MAKE PAYMENT WITHIN 35 DAYS AFTER THE DATE THIS NOTICE WAS MAILED, YOU MAY BE SUED TO RECOVER PAYMENT. IF A JUDGMENT IS RENDERED AGAINST YOU IN COURT, IT WILL INCLUDE NOT ONLY THE ORIGINAL FACE AMOUNT OF THE CHECK/DRAFT/ORDER /ELECTRONIC FUNDS TRANSFER, BUT ALSO ADDITIONAL LIQUIDATED DAMAGES OF NOT LESS THAN ONE HUNDRED DOLLARS ($100) NOR MORE THAN THE FACE AMOUNT OF THE CHECK/DRAFT/ORDER /ELECTRONIC FUNDS TRANSFER PLUS FIVE HUNDRED DOLLARS ($500).

PLEASE MAKE PAYMENT IN THE AMOUNT OF $..... TO:

.....
NAME OF PAYEE
.....
.....
.....
ADDRESS TO WHICH PAYMENT SHOULD BE DELIVERED

d. If the court or jury determines that the failure of the defendant to satisfy the dishonored check, draft, order, or electronic funds transfer was due to economic hardship, the court or jury may waive all or part of the statutory damages. However, if the court or jury waives all or part of the statutory damages, the court shall render judgment against the defendant in the amount of the dishonored check, draft, order, or electronic funds transfer plus incurred attorneys' fees, court costs and costs of mailing the written demand for payment.

2. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 47

AN ACT allowing voluntary contributions through gross income tax returns for the support of local libraries, supplementing Title 54A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54A:9-25.37 "Local Library Support Fund," contributions through gross income tax returns permitted.

1. a. There is established in the Department of the Treasury a special fund to be known as the "Local Library Support Fund."

b. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's gross income tax refund or an enclosed contribution be deposited in the "Local Library Support Fund" and provided to the State Librarian, who shall annually distribute the moneys received from the "Local Library Support Fund" in accordance with the State Library Aid Law, N.J.S.18A:74-1 et seq.

c. Any costs incurred by the Division of Taxation for collection or administration attributable to the "Local Library Support Fund" may be deducted from contributions collected pursuant to this section, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this section into the "Local Library Support Fund."

d. The Legislature shall annually appropriate all moneys deposited in the "Local Library Support Fund" established pursuant to subsection a. of this section to the State Librarian, who shall annually distribute the moneys received from the "Local Library Support Fund" in accordance with the State Library Aid Law, N.J.S.18A:74-1 et seq.

e. As used in this section:

"County library" means a public library established pursuant to chapter 33 of Title 40 of the Revised Statutes.

"Local library" means a county library or a municipal library.

"Municipal library" means a public library established pursuant to chapter 54 of Title 40 of the Revised Statutes.

2. This act shall take effect immediately and apply to taxable years commencing on or after the January 1 following the date of enactment.

Approved September 10, 2014.

CHAPTER 48

AN ACT concerning notaries public and amending various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1994, c.47 (C.2C:21-22) is amended to read as follows:

C.2C:21-22 Unauthorized practice of law, penalties.

1. a. A person is guilty of a crime of the fourth degree if the person knowingly engages in the unauthorized practice of law.

b. A person is guilty of a crime of the third degree if the person knowingly engages in the unauthorized practice of law and:

(1) Creates or reinforces, by any means, a false impression that the person is licensed to engage in the practice of law. As used in this paragraph, "by any means" includes but is not limited to using or advertising the title of lawyer or attorney-at-law, or equivalent terms, in the English language or any other language, which mean or imply that the person is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States; or

(2) Derives a benefit; or

(3) In fact causes injury to another.

c. For the purposes of this section, the phrase "in fact" indicates strict liability.

2. Section 1 of P.L.1997, c.1 (C.2C:21-31) is amended to read as follows:

C.2C:21-31 Unauthorized practice of immigration law; penalties.

1. a. As used in this section:

(1) "Immigration consultant" means any person rendering services for a fee, including the completion of forms and applications, to another person in furtherance of that person's desire to determine or modify his status in an immigration or naturalization matter under federal law.

(2) "Immigration or naturalization matter" means any matter which involves any law, action, filing or proceeding related to a person's immigration or citizenship status in the United States.

(3) "Immigration-related document" means any birth certificate or marriage certificate; any document issued by the government of the United States, any foreign country, any state, or any other public entity relating to a person's immigration or naturalization status.

b. (1) Any immigration consultant not licensed as an attorney or counselor at law who engages in this State in the practice of law is guilty of a crime of the fourth degree.

(2) Any immigration consultant not licensed as an attorney or counselor at law who holds himself out to the public, either alone or together with, by or through another person, whether such other person is licensed as an attorney or counselor at law or not, as engaging in or entitled to engage in the practice of law, or as rendering legal service or advice, or as furnishing attorneys or counsel, in any immigration or naturalization matter is guilty of a crime of the third degree.

(3) Any immigration consultant not licensed as an attorney or counselor at law who assumes, uses or advertises the title of lawyer or attorney-at-law, or equivalent terms, in the English language or any other language which mean or imply that the immigration consultant is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States, is guilty of a crime of the third degree.

c. Any person who knowingly retains possession of another person's immigration-related document for more than a reasonable time after the person who owns the document has submitted a written request for the document's return is guilty of a crime of the fourth degree.

d. Nothing in this section shall be construed to prohibit a person accredited as a representative by federal law pursuant to 8 CFR 292.2 from providing immigration services.

3. Section 2 of P.L.1979, c.460 (C.52:7-11) is amended to read as follows:

C.52:7-11 Notaries public.

2. a. The State Treasurer shall appoint so many notaries public as the State Treasurer shall deem necessary to commission, who shall hold their respective offices for the term of five years, but may be removed from office at the pleasure of the State Treasurer.

b. A person desiring to be appointed and commissioned a notary public shall make application to the State Treasurer on a form prescribed by the State Treasurer and endorsed by a member of the Legislature. Renewals thereof shall be made in the same manner as the original application.

The application form shall provide a notice to the applicant that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in the English language or any other language, which mean or imply that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The application form shall also state that a notary public who advertises his services in the English language or any other language is required to provide with such advertisement a notice which contains the following statement: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice."

c. The fee to be collected by the State Treasurer for that appointment or renewal shall be $25.00.

4. Section 4 of P.L.1979, c.460 (C.52:7-13) is amended to read as follows:

C.52:7-13 Appointment of nonresidents; requirements.

4. a. No person shall be denied appointment as a notary public on account of residence outside of this State, provided such person resides in a State adjoining this State and maintains, or is regularly employed in, an office in this State.

b. Before any such nonresident shall be appointed and commissioned as a notary public, he shall file with the State Treasurer an affidavit setting forth his residence and the address of his office or place of employment in this State.

c. Any such nonresident notary public shall file with the State Treasurer a certificate showing any change of residence or of his office or place of employment address in this State.

5. Section 5 of P.L.1979, c.460 (C.52:7-14) is amended to read as follows:

C.52:7-14 Oath; filing; certificate of commission and qualification.

5. a. Within three months of the receipt of his commission, each notary public shall take and subscribe an oath before the clerk of the county in which he resides, faithfully and honestly to discharge the duties of his office, and that he will make and keep a true record of all such matters as are required by law, which oath shall be filed with said clerk. The oath of office

of a nonresident notary public shall be taken and subscribed before the clerk of the county in which he maintains his office or is employed in this State.

b. Upon the administration of said oath, the said clerk shall cause the notary public to indorse a certificate of commission and qualification and shall transmit said certificate to the State Treasurer within 10 days of the administration of said oath. After the administration of the oath, the clerk shall provide a notice to the person that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in the English language or any other language, which mean or imply that the notary public is licensed as an attorney-at-law in the State of New Jersey or in any other jurisdiction of the United States. The notice shall also state that a notary public who advertises his services, in the English language or any other language, is required to provide with such advertisement a notice which contains the following statement: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice."

c. The State Treasurer shall cancel and revoke the appointment of any notary public who fails to take and subscribe said oath within three months of the receipt of his commission and any appointment so canceled and revoked shall be null, void and of no effect.

6. Section 8 of P.L.1979, c.460 (C.52:7-17) is amended to read as follows:

C.52:7-17 Fee; distribution of manual.

8. The State Treasurer shall, by regulation, fix a fee to be charged to each notary for the costs of printing and distribution to each applicant of a manual prescribing the powers, duties and responsibilities of a notary.

The manual shall specify that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law, or equivalent terms, in the English language or any other language, which mean or imply that the notary public is licensed as an attorney or counselor at law in the State of New Jersey or in any other jurisdiction of the United States. The manual shall also state that a notary public who advertises his services in the English language or any other language is required to provide with such advertisement a notice which contains the following statement: "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice." The manual shall also state that no person shall be appointed or reappointed a notary public if he has been convicted under the

laws of this State of an offense involving dishonesty, including but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-22), or a substantially similar crime under the laws of another state or the United States or of a crime of the second degree or above.

The State Treasurer shall update the information contained in the manual and the Department of the Treasury's Internet website as appropriate.

7. Section 9 of P.L.1979, c.460 (C.52:7-18) is amended to read as follows:

C.52:7-18 Name change by notary, filing of statement.

9. After a notary public adopts a name different from that which he used at the time he was commissioned, and before he signs his name to any document which he is authorized or required to sign as notary public, he shall make and sign a statement in writing and under oath, on a form prescribed and furnished by the State Treasurer, setting out the circumstances under which he has adopted the new name. The statement shall set forth whether the new name has been adopted through marriage or by a change of name proceeding or otherwise, and such other information as the State Treasurer shall require.

The statement shall be filed in the office of the State Treasurer and in the office of the clerk of the county where he qualified as a notary public and in the office of the clerk of any county in which he may have filed a certificate of his commission and qualification.

Such statement, or a certified copy thereof, shall be evidence of the right of said notary public to continue to exercise the powers and privileges and perform the duties of a notary public in his changed and new name.

8. Section 10 of P.L.1979, c.460 (C.52:7-19) is amended to read as follows:

C.52:7-19 Affixation of name.

10. Each notary public, in addition to subscribing his autograph signature to any jurat upon the administration of any oath or the taking of any acknowledgement or proof, shall affix thereto his name in such a manner and by such means, including, but not limited to, printing, typing, or impressing by seal or mechanical stamp, as will enable the State Treasurer easily to read said name.

9. Section 2 of P.L.1981, c.487 (C.52:7-21) is amended to read as follows:

C.52:7-21 Conviction for certain offenses, crimes; denial of appointment.

2. No person shall be appointed a notary public if he has been convicted under the laws of another state, or of the United States, of an offense or crime involving dishonesty including but not limited to a violation of section 1 of P.L.1997, c.1 (C.2C:21-31) or section 1 of P.L.1994, c.47 (C.2C:21-22), or a crime of the second degree or above, but nothing in this section shall be deemed to supersede P.L.1968, c.282 (C.2A:168A-1 et seq.).

10. This act shall take effect on the 90th day following enactment.

Approved September 10, 2014.

CHAPTER 49

AN ACT concerning alternate members of county planning boards and amending P.L.1975, c.186.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1975, c.186 (C.40:27-1.1) is amended to read as follows:

C.40:27-1.1 Alternate members; appointment; resolution.

1. The board of chosen freeholders may, by resolution, provide for the appointment of alternate members to the county planning board in accordance with the following:

a. Where the county planning board consists of six members or less, the director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint one alternate citizen member;

b. Where the county planning board consists of more than six members, the director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint two alternate citizen members. These members shall be designated by the director as "Alternate No. 1" and "Alternate No. 2" and shall participate in the planning board's

decision in rotation during the absence or disqualification of any citizen member;

c. Where the county engineer is a member of the planning board, the director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint the assistant or deputy county engineer to serve as an alternate to the county engineer;

d. The director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint a member of the board of chosen freeholders to serve as an alternate to the two freeholder members.

Alternate members shall be appointed for terms to expire at the same time as the terms of the regular members for whom they are alternates. An alternate member shall be entitled to sit with and participate as a member in any hearing before the board. Any alternate member who has attended the full hearing or hearings may participate in the board's decision during the absence or disqualification of any regular public member.

2. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 50

AN ACT concerning family collaborative law and supplementing Title 2A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.2A:23D-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Family Collaborative Law Act."

C.2A:23D-2 Findings, declarations relative to family collaborative law.

2. The Legislature finds and declares:

a. Since at least 2005, attorneys in New Jersey have participated in the dispute resolution method known as family collaborative law, in which an attorney is retained for the limited purpose of assisting his client in re-

solving family disputes in a voluntary, non-adversarial manner, without court intervention.

b. The family collaborative law process is distinct from other dispute resolution mechanisms because the parties intend to resolve their dispute without litigation. Instead, each party, represented by his attorney, meets together with the other party to the dispute, that party's attorney, and, as needed, one or more nonparty participants who are not attorneys but are professionals in their fields, such as certified financial planners, certified public accountants, licensed clinical social workers, psychologists, licensed professional counselors, licensed marriage and family therapists, and psychiatrists. All participants in the family collaborative law process understand and agree that the process is intended to replace litigation and that the process will terminate if either party or either attorney commences a proceeding related to the subject matter to be addressed through the family collaborative process before a court or other tribunal other than to seek incorporation of a settlement agreement into a final judgment.

c. In order to facilitate full and fair disclosure by the parties to the family collaborative law process, the parties must have an evidentiary privilege to protect them from disclosure of any collaborative law communication. The nonparty participants in the family collaborative law process, who serve as neutral experts, need a privilege from disclosure of communications made by them during the process similar to the privilege created for mediators in the "Uniform Mediation Act," P.L.2004, c.157 (C.2A:23C-1 et seq.). This will enable nonparty participants to participate candidly in the process and thereby facilitate resolution of the family law dispute.

C.2A:23D-3 Definitions relative to family collaborative law.

3. As used in this act:

a. "Family collaborative law communication" means a statement, whether oral or in a record, that is made in the course of a family collaborative law process and occurs after the parties sign a family collaborative law participation agreement but before the family collaborative law process is concluded.

b. "Family collaborative participation agreement" means a written agreement by the parties to participate in a family collaborative law process, in accordance with section 5 of P.L.2014, c.50 (C.2A:23D-5) in order to resolve their family law dispute.

c. "Family collaborative law process" means a procedure intended to resolve the family law dispute without intervention by a tribunal provided

that the individuals in the dispute: (1) sign a family collaborative law participation agreement; and (2) are represented by family collaborative lawyers.

d. "Family collaborative lawyer" means a lawyer who represents a party in a family collaborative law process and whom the party acknowledges is retained for that limited purpose.

e. "Family law dispute" means a dispute, claim or issue which is described in a participation agreement and arises under the family or domestic relations law of this State, including but not limited to:

(1) marriage, civil union, domestic partnership, divorce, dissolution, annulment, or property distribution;

(2) child custody, visitation, or parenting time;

(3) alimony, maintenance, or child support; or

(4) premarital, marital or post-marital agreements, or comparable agreements affecting civil unions or domestic partnerships.

f. "Nonparty participant" means a person, other than a party and the party's family collaborative lawyer, who participates in a family collaborative law process. This includes, but is not limited to, financial practitioners, including certified financial planners and certified public accountants, and mental health professionals, including licensed clinical social workers, psychologists, licensed professional counselors, licensed marriage and family therapists, and psychiatrists.

g. "Party" means an individual who signs a family collaborative law participation agreement and whose consent is necessary to resolve a family law dispute under P.L.2014, c.50 (C.2A:23D-1 et seq.).

h. "Proceeding" means a judicial or arbitral or adjudicative process before a tribunal.

i. "Prospective party" means an individual who discusses with a prospective family collaborative lawyer the possibility of signing a family collaborative law participation agreement.

j. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

k. "Related to the family law dispute" means involving the same parties, transaction or occurrence, nucleus of operative fact, claim, matter or issue as the family law dispute.

l. "Settlement agreement" means a signed agreement entered into by the parties to a family collaborative law participation agreement that sets forth a resolution of the parties' family law dispute.

m. "Sign" means, with present intent to authenticate or adopt a record to execute or adopt a tangible symbol; or attach to or logically associate with the record an electronic symbol, sound, or process.

n. "Tribunal" means a court, arbitrator, or administrative agency, as applicable, that after presentation of evidence or legal argument, has jurisdiction to render a decision affecting a party's interests in a matter.

C.2A:23D-4 Application of act.

4. P.L.2014, c.50 (C.2A:23D-1 et seq.) applies to a family collaborative law process that is subject to a family collaborative law participation agreement, meets the requirements set forth in section 5 of P.L.2014, c.50 (C.2A:23D-5), and is signed on or after the effective date of this act.

P.L.2014, c.50 (C.2A:23D-1 et seq.) does not apply to any other collaborative law process or any other collaborative law participation agreement.

C.2A:23D-5 Family collaborative law participation agreement.

5. a. A family collaborative law participation agreement shall:

(1) be in a record;

(2) be signed by the parties;

(3) state the parties' intention to resolve a family law dispute through a family collaborative law process pursuant to P.L.2014, c.50 (C.2A:23D-1 et seq.);

(4) describe the nature and scope of the family law dispute;

(5) identify the family collaborative lawyer who represents each party in the process;

(6) contain a statement that a family collaborative lawyer's role is limited as defined in P.L.2014, c.50 (C.2A:23D-1 et seq.), consistent with the Rules of Professional Conduct promulgated by the Supreme Court of New Jersey;

(7) set forth the manner by which a family collaborative law process begins and the manner by which it terminates or concludes in accordance with sections 6 and 7 of P.L.2014, c.50 (C.2A:23D-6 and C.2A:23D-7);

(8) state that any family collaborative law communication of a party or a nonparty participant is confidential and subject to an evidentiary privilege under section 13 of P.L.2014, c.50 (C.2A:23D-13), and that the privilege may be waived only expressly and by both parties or in the case of a nonparty participant, by the nonparty participant having the right to exercise the privilege; and

(9) state that the conduct of the family collaborative lawyer is governed by P.L.2014, c.50 (C.2A:23D-1 et seq.), the Rules of Court adopted by the Supreme Court of New Jersey, and the Rules of Professional Conduct promulgated by the Supreme Court of New Jersey and that P.L.2014, c.50 (C.2A:23D-1 et seq.) does not alter the family collaborative lawyer's responsibilities to the client under the Rules of Professional Conduct and any other applicable Rules of Court.

b. Parties may agree to include in a family collaborative law participation agreement additional provisions not inconsistent with P.L.2014, c.50 (C.2A:23D-1 et seq.) or other applicable law.

C.2A:23D-6 Beginning of family collaborative law process.

6. a. A family collaborative law process begins when the parties sign a family collaborative law participation agreement.

b. Participation in a family collaborative law process is voluntary and may not be compelled by a tribunal.

C.2A:23D-7 Conclusion of family collaborative law process.

7. a. A family collaborative law process is concluded by either:

(1) resolution of a family law dispute as evidenced by a signed settlement agreement; or

(2) termination of the process.

b. A family collaborative law process terminates when:

(1) a party gives notice to other parties in a record that the process is ended, which a party may do with or without cause; or

(2) a party files a document without the agreement of all parties that initiates a proceeding related to the family law dispute; or

(3) either party is subject to, or obtains, a temporary or final restraining order against the other party in accordance with the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.); or

(4) an action is commenced requesting that a tribunal issue emergency relief to protect the health, safety, welfare, or interests of a party or the defense against such a request is commenced; or

(5) except as provided by section 9 of P.L.2014, c.50 (C.2A:23D-9), a party discharges a family collaborative lawyer; or

(6) a party fails to provide information pursuant to section 10 of P.L.2014, c.50 (C.2A:23D-10) that is necessary to address the issues in dispute, and one of the parties chooses to terminate the collaborative process as a result; or

(7) a family collaborative lawyer ceases further representation of a party.

c. A family collaborative law process does not terminate if, with the consent of the parties, a party, or the party's family collaborative lawyer on the party's behalf, requests a tribunal to incorporate a settlement agreement into a final judgment.

d. A family collaborative law participation agreement may provide additional methods of terminating or concluding a family collaborative law process consistent with P.L.2014, c.50 (C.2A:23D-1 et seq.) and the Rules of Professional Conduct promulgated by the Supreme Court of New Jersey.

e. In the event the family collaborative law process does not result in a judgment resolving the family law dispute and the dispute is, instead, submitted to a tribunal for adjudication, the family collaborative lawyer and the lawyers in the law firm with whom the collaborative family lawyer is associated shall not continue to represent the party in that family law dispute.

C.2A:23D-8 Disqualification of family collaborative lawyer.

8. A lawyer in a law firm with which the family collaborative lawyer is associated in a partnership, professional corporation, sole proprietorship, limited liability company, or law association is disqualified from appearing before a tribunal to represent a party in a proceeding related to a family collaborative law matter if the family collaborative lawyer is disqualified from doing so in subsection e. of section 7 of P.L.2014, c.50 (C.2A:23D-7).

C.2A:23D-9 Notice of cessation of representation; continuation of process.

9. a. If a family collaborative lawyer ceases or is disqualified from representation of a party, prompt notice of the cessation of representation or discharge shall be given to all parties in a record.

b. Notwithstanding the provisions of paragraph (5) of subsection b. of section 7 of P.L.2014, c.50 (C.2A:23D-7), and subject to this subsection, if a family collaborative lawyer is discharged or ceases representation of a party, the family collaborative law process continues if, not later than 30 days after the date of notice of the discharge or cessation of representation is sent to the parties pursuant to subsection a. of this section, the unrepresented party:

(1) retains a successor family collaborative lawyer who is identified in an amended family collaborative law participation agreement; and

(2) in that amended family collaborative law participation agreement, the parties consent to continue the process and the successor lawyer confirms representation of the party.

C.2A:23D-10 Disclosure of information.

10. Except as otherwise provided by law, during the family collaborative law process a party shall, in good faith, provide timely, full, and candid disclosure of information related to the family law dispute without formal discovery. A party shall also promptly update previously disclosed information that has materially changed. The parties may define the scope of disclosure during the collaborative family law process except as provided by law.

C.2A:23D-11 Certain responsibilities of lawyer unaffected.

11. P.L.2014, c.50 (C.2A:23D-1 et seq.) does not affect, waive or supersede:

a. The professional responsibility obligations and standards applicable to a lawyer or other licensed professional in this State, including but not limited to the Rules of Professional Conduct promulgated by the Supreme Court of New Jersey; or

b. The obligation of a person to report abuse or neglect, abandonment, or exploitation of a child or adult under the law of this State.

C.2A:23D-12 Confidentiality.

12. A family collaborative law communication is confidential to the extent agreed to by the parties in a signed record or as provided by law.

C.2A:23D-13 Privileges.

13. a. Subject to sections 14 and 15 of P.L.2014, c.50 (C.2A:23D-14 and C.2A:23D-15), a family collaborative law communication made by a party or any nonparty participant is privileged under subsection b. of this section, is not subject to discovery, and is not admissible in evidence.

b. In a proceeding, and in addition to application of the lawyer-client privilege provided under the laws of this State, the following privileges apply:

(1) A party may refuse to disclose, and may prevent the party's lawyer, or a nonparty participant, or any other person from disclosing, a family collaborative law communication.

(2) A nonparty participant may refuse to disclose, and may prevent a party, a party's lawyer or any other person from disclosing, a family collaborative law communication of the nonparty participant.

c. The privilege created by this section may be claimed by the party or nonparty participant in person, or if the party or nonparty participant is incapacitated or deceased, by his guardian or personal representative. Where a corporation or association or other legal entity is the nonparty participant claiming the privilege, and the corporation, association or other

entity has been dissolved, the privilege may be claimed by its successors, assigns or trustees in dissolution.

d. Evidence or information that is otherwise admissible, readily available from other sources, or subject to discovery does not become inadmissible or protected from discovery solely because of its disclosure or use in a family collaborative law process.

C.2A:23D-14 Waiver of privilege.

14. a. A privilege under section 13 of P.L.2014, c.50 (C.2A:23D-13) may be waived in a record or orally during a proceeding if it is expressly waived by both parties and, in the case of the privilege of a nonparty participant, it is also expressly waived by the nonparty participant.

b. A person who discloses or makes a representation about a family collaborative law communication that prejudices another person in a proceeding is precluded from asserting a privilege under section 13 of P.L.2014, c.50 (C.2A:23D-13), but this preclusion applies only to the extent necessary for the person prejudiced to respond to the disclosure or representation.

C.2A:23D-15 Exemption from privilege.

15. a. There is no privilege under section 13 of P.L.2014, c.50 (C.2A:23D-13) for a family collaborative law communication that is:

(1) made during a session of a family collaborative law process that is open, or is required by law to be open, to the public; or

(2) sought, obtained, or used to threaten or plan to inflict bodily injury or a crime, or to commit or attempt to commit a crime, or to conceal an ongoing crime or ongoing criminal activity; or

(3) in a settlement agreement resulting from the family collaborative law process, evidenced by a record signed by both parties to the agreement; or

(4) a disclosure in a report of suspected domestic violence or suspected child abuse to an appropriate agency under the laws of this State.

b. There is no privilege under section 13 of P.L.2014, c.50 (C.2A:23D-13) if a tribunal finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality, and the family collaborative law communication is sought or offered in:

(1) a court proceeding involving a crime; or

(2) a proceeding seeking rescission or reformation of a contract arising out of the family collaborative law process or in which a defense to avoid liability on the contract is asserted.

c. The privileges under section 13 of P.L.2014, c.50 (C.2A:23D-13) for a family collaborative law communication do not apply to the extent that a communication is:

(1) sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice or the unreasonableness of a family collaborative lawyer's fee arising from or related to a family collaborative law process; or

(2) sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation of a child or adult, unless the appropriate protective services agency is a party to or otherwise participates in the process.

d. If a family collaborative law communication is subject to an exception under subsection b. or c. of this section, only the part of the communication necessary for the application of the exception may be disclosed or admitted.

e. Disclosure or admission of evidence excepted from the privilege under subsection b. or c. of this section does not make the evidence or any other family collaborative law communication discoverable or admissible for any other purpose.

f. The privileges under section 13 of P.L.2014, c.50 (C.2A:23D-13) do not apply if the parties agree in advance in a signed record that all or part of a family collaborative law process is not privileged.

C.2A:23D-16 Family collaborative law agreement, intention to enter into.

16. If a family collaborative law participation agreement fails to meet the requirements of section 5 of P.L.2014, c.50 (C.2A:23D-5), the parties may be found to have intended to enter into a family collaborative law participation agreement if they signed a record indicating an intention to enter into a family collaborative law participation agreement and reasonably believed they were participating in a family collaborative law process.

C.2A:23D-17 Application, construction of act.

17. In applying and construing this act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact a family collaborative law act.

C.2A:23D-18 Severability.

18. If any provision of P.L.2014, c.50 (C.2A:23D-1 et seq.) or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of P.L.2014, c.50 (C.2A:23D-1 et seq.) which can be given effect without the invalid provision or application, and to this end the provisions of P.L.2014, c.50 (C.2A:23D-1 et seq.) are severable.

19. This act shall take effect on the 90th day after enactment.

Approved September 10, 2014.

CHAPTER 51

AN ACT concerning hiring preference for veterans and amending R.S.53:1-9.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.53:1-9 is amended to read as follows:

Qualifications for members of State police; examinations; veterans preference; enlistment.

53:1-9. No person shall be appointed a member of the State Police unless he shall be a citizen of the United States between the ages of 21 and 35 years, preferably a resident of this State, of good health and good moral character. No one shall be appointed who has not applied for and taken an examination conducted by the Division of State Police, and established to the satisfaction of the superintendent, evidence of his mental and physical fitness and ability to perform the duties of a member of the State Police.

Preference in appointment shall be provided to all qualified applicants who are veterans, as defined in N.J.S.11A:5-1.

The superintendent shall, with the approval of the Governor, arrange for the examination and enlistment of applicants.

2. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 52

AN ACT concerning local public contracts and county college contracts and amending P.L.1982, c.189, P.L.1999, c.440, and P.L.1971, c.198.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 13 of P.L.1982, c.189 (C.18A:64A-25.13) is amended to read as follows:

C.18A:64A-25.13 Specifications generally.

13. All specifications for any purchase, contract or agreement governed by this article shall be drafted in a manner to encourage free, open and competitive bidding. In particular, no specifications under this article may:

a. Require a standard, restriction, condition or limitation not directly related to the purpose, function or activity for which the purchase, contract or agreement is made; or

b. Require that any bidder be a resident of, or that his place of business be located in, the county in which the purchase will be made or the contract or agreement performed, unless the physical proximity of the bidder is requisite to the efficient and economical purchase or performance of the contract or agreement; or

c. Discriminate on the basis of race, religion, sex or national origin; or

d. Require with regard to any purchase, contract or agreement the furnishing of any "brand name," although specifications may in all cases require "brand name or equivalent," nor shall materials or supplies which are patented or copyrighted be specified, unless the resolution authorizing the purchase, contract or agreement sets forth the manner in which the special need for such patented or copyrighted materials or supplies is directly related to the performance or purpose for which the purchase, contract or agreement is made; or

e. Fail to include any option for renewal, extension or release which the county college may intend to exercise or require; or

f. Fail to include any terms and conditions necessary for the performance of any extra work; or

g. Fail to disclose any matter necessary to the substantial performance of the contract or agreement; or

h. Require that any bidder submit a financial statement if either a guarantee, by certified check, cashier's check or bid bond, or a surety company certificate is also required to be furnished by the bidder, unless any law or regulation of the United States imposes a condition upon the awarding of a monetary grant to be used for the purchase, contract or agreement, which condition requires that a financial statement be submitted.

Any specification adopted by the county college which knowingly excludes prospective bidders by reason of the impossibility of performance, bidding or qualification by any but one bidder, except as provided herein, shall be null and void and of no effect, and such purchase, contract or

agreement shall be readvertised, and the original purchase, contract or agreement shall be set aside by the board of trustees of the county college.

2. Section 4 of P.L.1999, c.440 (C.40A:11-4.4) is amended to read as follows:

C.40A:11-4.4 Request for proposals; documentation; provisions.

4. The competitive contracting process shall utilize request for proposals documentation in accordance with the following provisions:

a. The purchasing agent or counsel or administrator shall prepare or have prepared a request for proposal documentation, which shall include: all requirements deemed appropriate and necessary to allow for full and free competition between vendors, but no financial statement shall be required of vendors if either a guarantee, by certified check, cashier's check or bid bond, or a surety company certificate is also required to be furnished by the bidder, unless any law or regulation of the United States imposes a condition upon the awarding of a monetary grant to be used for the purchase, contract or agreement, which condition requires that a financial statement be submitted; information necessary for potential vendors to submit a proposal; and a methodology by which the contracting unit will evaluate and rank proposals received from vendors.

b. The methodology for the awarding of competitive contracts shall be based on an evaluation and ranking, which shall include technical, management, and cost related criteria, and may include a weighting of criteria, all developed in a way that is intended to meet the specific needs of the contracting unit, and where such criteria shall not unfairly or illegally discriminate against or exclude otherwise capable vendors. When an evaluation methodology uses a weighting of criteria, at the option of the contracting unit the weighting to be accorded to each criterion may be disclosed to vendors prior to receipt of the proposals. The methodology for awarding competitive contracts shall comply with such rules and regulations as the director may adopt, after consultation with the Commissioner of Education, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

c. At no time during the proposal solicitation process shall the purchasing agent or counsel or administrator convey information, including price, to any potential vendor which could confer an unfair advantage upon that vendor over any other potential vendor. If a purchasing agent or counsel or administrator desires to change proposal documentation, the purchasing agent or counsel or administrator shall notify only those potential ven-

dors who received the proposal documentation of any and all changes in writing and all existing documentation shall be changed appropriately.

d. All proposals and contracts shall be subject to the provisions of section 1 of P.L.1977, c.33 (C.52:25-24.2) requiring submission of a statement of corporate ownership and the provisions of P.L.1975, c.127 (C.10:5-31 et seq.) concerning equal employment opportunity and affirmative action.

3. Section 13 of P.L.1971, c.198 (C.40A:11-13) is amended to read as follows:

C.40A:11-13 Specifications.

13. Specifications. Any specifications for the provision or performance of goods or services under this act shall be drafted in a manner to encourage free, open and competitive bidding. In particular, no specifications under this act may:

(a) Require any standard, restriction, condition or limitation not directly related to the purpose, function or activity for which the contract is awarded; or

(b) Require that any bidder be a resident of, or that the bidder's place of business be located in, the county or municipality in which the contract will be awarded or performed, unless the physical proximity of the bidder is requisite to the efficient and economical performance of the contract; except that no specification for a contract for the collection and disposal of municipal solid waste shall require any bidder to be a resident of, or that the bidder's place of business be located in, the county or municipality in which the contract will be performed; or

(c) Discriminate on the basis of race, religion, sex, national origin, creed, color, ancestry, age, marital status, affectional or sexual orientation, familial status, liability for service in the Armed Forces of the United States, or nationality; or

(d) Require, with regard to any contract, the furnishing of any "brand name," but may in all cases require "brand name or equivalent," except that if the goods or services to be provided or performed are proprietary, such goods or services may be purchased by stipulating the proprietary goods or services in the bid specification in any case in which the resolution authorizing the contract so indicates, and the special need for such proprietary goods or services is directly related to the performance, completion or undertaking of the purpose for which the contract is awarded; or

(e) Fail to include any option for renewal, extension, or release which the contracting unit may intend to exercise or require; or any terms and

conditions necessary for the performance of any extra work; or fail to disclose any matter necessary to the substantial performance of the contract; or

(f) Require that any bidder submit a financial statement if either a guarantee, by certified check, cashier's check or bid bond, or a surety company certificate is also required to be furnished by the bidder, unless any law or regulation of the United States imposes a condition upon the awarding of a monetary grant to be used for the purchase, contract or agreement, which condition requires that a financial statement be submitted.

Any specification which knowingly excludes prospective bidders by reason of the impossibility of performance, bidding or qualification by any but one bidder, except as provided herein, shall be null and void and of no effect and shall be readvertised for receipt of new bids, and the original contract shall be set aside by the governing body.

Any specification for a contract for the collection and disposal of municipal solid waste shall conform to the uniform bid specifications for municipal solid waste collection contracts established pursuant to section 22 of P.L.1991, c.381 (C.48:13A-7.22).

Any specification may include an item for the cost, which shall be paid by the contractor, of creating a file to maintain the notices of the delivery of labor or materials required by N.J.S.2A:44-128.

Any prospective bidder who wishes to challenge a bid specification shall file such challenges in writing with the contracting agent no less than three business days prior to the opening of the bids. Challenges filed after that time shall be considered void and having no impact on the contracting unit or the award of a contract.

4. This act shall take effect immediately and shall be applicable to proposals for bids advertised on or after the first day of the month next following the date of enactment.

Approved September 10, 2014.

CHAPTER 53

AN ACT concerning immunity from liability for certain professional services rendered during an emergency and supplementing Title 59 of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.59:3-15 Immunity from liability for certain professional services under certain circumstances.

1. Notwithstanding any other provision of law to the contrary and except as provided in P.L.2014, c.53 (C.59:3-15 et seq.), an architect licensed pursuant to R.S.45:3-1 et seq. or a professional engineer licensed pursuant to P.L.1938, c.342 (C.45:8-27 et seq.) shall not be personally liable for any personal injury, wrongful death, property damage, or other loss caused by an act, error, or omission while practicing architecture or engineering, respectively, if the practice of architecture or engineering was performed:

a. voluntarily and without compensation;

b. at the request of a public safety official, acting in an official capacity; and

c. at the scene of a declared national, State, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or similar disaster or catastrophic event, during or within 90 days following the emergency, or for any extended period as determined by executive order issued by the Governor under the Governor's emergency executive powers.

For purposes of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq., an architect or engineer entitled to immunity under this section shall be considered an employee of the public entity on whose behalf the public safety official requested that the architect or engineer perform the practice of architecture or engineering. Nothing in P.L.2014, c.53 (C.59:3-15 et seq.) shall be construed to provide such architect or engineer with any right or entitlement to workers' compensation from such public entity.

As used in this section:

"Public safety official" means any appointed or elected federal, State, or local official with executive responsibility to coordinate public safety or law enforcement in the jurisdiction in which the emergency has occurred.

"Employee" shall have the meaning ascribed to it in N.J.S.59:1-3.

C.59:3-16 Immunity protection not provided under certain circumstances.

2. An architect or professional engineer shall not be considered an employee of a public entity pursuant to N.J.S.59:1-1 et seq. and shall not have the immunity protection provided by section 1 of this act if:

a. the architect or professional engineer, or a private entity for which the architect or engineer is employed, has any existing contract for services with the public entity, other than the State of New Jersey, whose public

safety officer made the request for architectural or engineering services provided under section 1 of this act;

b. the architect or professional engineer, or a private entity for which the architect or engineer is employed, enters into any contract for services that involve the performance of any additional architectural or engineering services related to the voluntary, uncompensated services performed for the public entity whose public safety officer made the request for architectural or engineering services provided under section 1 of this act; or

c. the act or omission by the architect or engineer involves actual fraud, actual malice, willful misconduct or an intentional wrong.

3. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 54

AN ACT concerning certain municipal police vehicles, supplementing chapter 14 of Title 40A of the New Jersey Statutes and amending R.S.39:4-50.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.40A:14-118.1 Municipal police vehicles to be equipped with mobile video recording system.

1. Every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after the effective date of P.L.2014, c.54 (C.40A:14-118.1 et al.) which is primarily used for traffic stops shall be equipped with a mobile video recording system.

As used in this section "mobile video recording system" means a device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.

2. R.S.39:4-50 is amended to read as follows:

Driving while intoxicated.

39:4-50. (a) Except as provided in subsection (g) of this section, a person who operates a motor vehicle while under the influence of intoxicating

c. Increases or decreases in the value of, or return on, invested assets under normal operating conditions, as well as increases or decreases in those values, above or below those levels anticipated under normal conditions;

d. Changes in economic, social or market conditions that could adversely or favorably affect the financial condition of the prepaid prescription service organization, including conditions that would make liquidity more or less important than contemplated and would prevent or facilitate timely investments or force or prohibit untimely sales of assets; and

e. Any other contingencies, including reinsurance and unfunded or extra contractual obligations, which may affect the prepaid prescription service organization's financial condition.

C.17:48F-17.3 Determination of increase, revision or redetermination; factors.

38. In determining any increase, revision or redetermination in the capital or surplus of a prepaid prescription service organization pursuant to the provisions of section 37 of P.L.2014, c.81 (C.17:48F-17.2) the commissioner shall take into account the following factors:

a. Methods and techniques used to measure risk exposure and variability;

b. The information available relating to the magnitude of the various risks described in section 37 of P.L.2014, c.81 (C.17:48F-17.2);

c. The extent to which risks described in section 37 of P.L.2014, c.81 (C.17:48F-17.2) are independent or interrelated, and whether any dependency is direct or inverse;

d. The extent to which the prepaid prescription services organization has provided protection against contingencies in ways other than the establishment of surplus, including, but not limited to: redundancy of premiums; margin in reserves and liabilities; adjustability of contracts pursuant to the terms of the contracts; voluntary or mandatory investment valuation reserves; reinsurance; the use of conservative actuarial assumptions to provide a margin of security; reserve adjustments after rate increases for policies written at earlier and less adequate rates; contingency or catastrophe reserves; and diversification of assets and underwriting risk; and

e. Any other relevant factors, including the National Association of Insurance Commissioners' reports and independent judgments of the soundness of the prepaid prescription service organization's financial condition, as evidenced by the rating and reports of reliable professional financial services.

"Prepaid prescription service organization" means an entity authorized to transact business in this State pursuant to P.L.1997, c.380 (C.17:48F-1 et seq.).

C.17:48F-17.2 Increase in amount of capital or surplus required of prepaid prescription service organization.

37. The commissioner may increase the amount of capital or surplus required of a prepaid prescription service organization, or subsequently revise or redetermine that increase, using appropriate methods and procedures established by rules and regulations adopted by the commissioner, in order to provide adequate protection against risks affecting the prepaid prescription service organization's financial condition that are not adequately or fully covered by its reserves or other assets, but under no circumstances shall a prepaid prescription service organization's capital or surplus be less than the capital or surplus required pursuant to regulation as prescribed by the commissioner; provided, however, that any increase required by a subsequent revision or redetermination pursuant to this section shall be made only after a departmental hearing, unless that hearing is waived by the affected prepaid prescription service organization. All matters pertaining to a hearing or to an increase in capital or surplus pursuant to this section shall be confidential and not subject to subpoena or public inspection, except to the extent that the commissioner finds release of that information necessary to protect the public. The hearing shall be initiated within 20 days after written notice to the prepaid prescription service organization. Any declaration regarding an increase required by a subsequent revision or redetermination shall contain findings specifying the factors deemed significant in regard to the particular prepaid prescription service organization, and shall set forth the reasons supporting the increase of capital or surplus ordered by the commissioner. In determining any increase, revision or redetermination in the amount of capital or surplus, the commissioner shall consider the risks of:

a. Increases or decreases in the frequency and severity of losses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates that the prepaid prescription service organization charged for coverage and above or below those reasonably expected under normal conditions;

b. Increases or decreases in expenses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates the prepaid prescription service organization charged for coverage and above or below those reasonably expected under normal conditions;

of section 32 of P.L.2014, c.81 (C.17:48E-37.2) the commissioner shall take into account the following factors:

a. Methods and techniques used to measure risk exposure and variability;

b. The information available relating to the magnitude of the various risks described in section 32 of P.L.2014, c.81 (C.17:48E-37.2);

c. The extent to which risks described in section 32 of P.L.2014, c.81 (C.17:48E-37.2) are independent or interrelated, and whether any dependency is direct or inverse;

d. The extent to which the health service corporation has provided protection against contingencies in ways other than the establishment of surplus, including, but not limited to: redundancy of premiums; margin in reserves and liabilities; adjustability of contracts pursuant to the terms of the contracts; voluntary or mandatory investment valuation reserves; reinsurance; the use of conservative actuarial assumptions to provide a margin of security; reserve adjustments after rate increases for policies written at earlier and less adequate rates; contingency or catastrophe reserves; and diversification of assets and underwriting risk; and

e. Any other relevant factors, including the National Association of Insurance Commissioners' reports and independent judgments of the soundness of the health service corporation's financial condition, as evidenced by the rating and reports of reliable professional financial services.

C.17:48E-37.4 Suspension, revocation of authority to do business.

34. The commissioner may suspend or revoke the authority to do business in this State of any health service corporation that does not comply with the provisions of sections 31 through 35 of P.L.2014, c.81 (C.17:48E-37.1 through C.17:48E-37.5).

C.17:48E-37.5 Rules, regulations.

35. The commissioner may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of sections 31 through 35 of P.L.2014, c.81 (C.17:48E-37.1 through C.17:48E-37.5). Such rules and regulations shall be consistent with the standards for risk based capital for health organizations adopted by the National Association of Insurance Commissioners.

C.17:48F-17.1 Definitions.

36. As used in sections 36 through 40 of P.L.2014, c.81 (C.17:48F-17.1 through C.17:48F-17.5):

"Commissioner" means the Commissioner of Banking and Insurance.

to regulation as prescribed by the commissioner; provided, however, that any increase required by a subsequent revision or redetermination pursuant to this section shall be made only after a departmental hearing, unless that hearing is waived by the affected health service corporation. All matters pertaining to a hearing or to an increase in capital or surplus pursuant to this section shall be confidential and not subject to subpoena or public inspection, except to the extent that the commissioner finds release of that information necessary to protect the public. The hearing shall be initiated within 20 days after written notice to the health service corporation. Any declaration regarding an increase required by a subsequent revision or redetermination shall contain findings specifying the factors deemed significant in regard to the particular health service corporation, and shall set forth the reasons supporting the increase of capital or surplus ordered by the commissioner. In determining any increase, revision or redetermination in the amount of capital or surplus, the commissioner shall consider the risks of:

a. Increases or decreases in the frequency and severity of losses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates that the health service corporation charged for coverage and above or below those reasonably expected under normal conditions;

b. Increases or decreases in expenses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates the health service corporation charged for coverage and above or below those reasonably expected under normal conditions;

c. Increases or decreases in the value of, or return on, invested assets under normal operating conditions, as well as increases or decreases in those values, above or below those levels anticipated under normal conditions;

d. Changes in economic, social or market conditions that could adversely or favorably affect the financial condition of the health service corporation, including conditions that would make liquidity more or less important than contemplated and would prevent or facilitate timely investments or force or prohibit untimely sales of assets; and

e. Any other contingencies, including reinsurance and unfunded or extra contractual obligations, which may affect the health service corporation's financial condition.

C.17:48E-37.3 Determination of increase, revision or redetermination; factors.

33. In determining any increase, revision or redetermination in the capital or surplus of a health service corporation pursuant to the provisions

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ance; the use of conservative actuarial assumptions to provide a margin of security; reserve adjustments after rate increases for policies written at earlier and less adequate rates; contingency or catastrophe reserves; and diversification of assets and underwriting risk; and

e. Any other relevant factors, including the National Association of Insurance Commissioners' reports and independent judgments of the soundness of the dental plan organization's financial condition, as evidenced by the rating and reports of reliable professional financial services.

C.17:48D-11.4 Suspension, revocation of authority to do business.

29. The commissioner may suspend or revoke the authority to do business in this State of any dental plan organization that does not comply with the provisions of sections 26 through 30 of P.L.2014, c.81 (C.17:48D-11.1 through C.17:48D-11.5).

C.17:48D-11.5 Rules, regulations.

30. The commissioner may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of sections 26 through 30 of P.L.2014, c.81 (C.17:48D-11.1 through C.17:48D-11.5). Such rules and regulations shall be consistent with the standards for risk based capital for health organizations adopted by the National Association of Insurance Commissioners.

C.17:48E-37.1 Definitions.

31. As used in sections 31 through 35 of P.L.2014, c.81 (C.17:48E-37.1 through C.17:48E-37.5):

"Commissioner" means the Commissioner of Banking and Insurance.

"Health service corporation" means an entity authorized to transact business in this State pursuant to P.L.1985, c.236 (C. 17:48E-1 et seq.).

C.17:48E-37.2 Increase in amount of capital or surplus required of health service corporation.

32. The commissioner may increase the amount of capital or surplus required of a health service corporation, or subsequently revise or redetermine that increase, using appropriate methods and procedures established by rules and regulations adopted by the commissioner, in order to provide adequate protection against risks affecting the health service corporation's financial condition that are not adequately or fully covered by its reserves or other assets, but under no circumstances shall a health service corporation's capital or surplus be less than the capital or surplus required pursuant

a. Increases or decreases in the frequency and severity of losses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates that the dental plan organization charged for coverage and above or below those reasonably expected under normal conditions;

b. Increases or decreases in expenses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates the dental plan organization charged for coverage and above or below those reasonably expected under normal conditions;

c. Increases or decreases in the value of, or return on, invested assets under normal operating conditions, as well as increases or decreases in those values, above or below those levels anticipated under normal conditions;

d. Changes in economic, social or market conditions that could adversely or favorably affect the financial condition of the dental plan organization, including conditions that would make liquidity more or less important than contemplated and would prevent or facilitate timely investments or force or prohibit untimely sales of assets; and

e. Any other contingencies, including reinsurance and unfunded or extra contractual obligations, which may affect the dental plan organization's financial condition.

C.17:48D-11.3 Determination of increase, revision or redetermination; factors.

28. In determining any increase, revision or redetermination in the capital or surplus of a dental plan organization pursuant to the provisions of section 27 of P.L.2014, c.81 (C.17:48D-11.2) the commissioner shall take into account the following factors:

a. Methods and techniques used to measure risk exposure and variability;

b. The information available relating to the magnitude of the various risks described in section 27 of P.L.2014, c.81 (C.17:48D-11.2);

c. The extent to which risks described in section 27 of P.L.2014, c.81 (C.17:48D-11.2) are independent or interrelated, and whether any dependency is direct or inverse;

d. The extent to which the dental plan organization has provided protection against contingencies in ways other than the establishment of surplus, including, but not limited to: redundancy of premiums; margin in reserves and liabilities; adjustability of contracts pursuant to the terms of the contracts; voluntary or mandatory investment valuation reserves; reinsur-

C.17:48C-28.5 Rules, regulations.

25. The commissioner may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of sections 21 through 25 of P.L.2014, c.81 (C.17:48C-28.1 through C.17:48C-28.5). Such rules and regulations shall be consistent with the standards for risk based capital for health organizations adopted by the National Association of Insurance Commissioners.

C.17:48D-11.1 Definitions.

26. As used in sections 26 through 30 of P.L.2014, c.81 (C.17:48D-11.1 through C.17:48D-11.5):

"Commissioner" means the Commissioner of Banking and Insurance.

"Dental plan organization" means an entity authorized to transact business in this State pursuant to P.L.1979, c.478 (C.17:48D-1 et seq.).

C.17:48D-11.2 Increase in amount of capital or surplus required of dental plan organization.

27. The commissioner may increase the amount of capital or surplus required of a dental plan organization, or subsequently revise or redetermine that increase, using appropriate methods and procedures established by rules and regulations adopted by the commissioner, in order to provide adequate protection against risks affecting the dental plan organization's financial condition that are not adequately or fully covered by its reserves or other assets, but under no circumstances shall a dental plan organization's capital or surplus be less than the capital or surplus required pursuant to regulation as prescribed by the commissioner; provided, however, that any increase required by a subsequent revision or redetermination pursuant to this section shall be made only after a departmental hearing, unless that hearing is waived by the affected dental plan organization. All matters pertaining to a hearing or to an increase in capital or surplus pursuant to this section shall be confidential and not subject to subpoena or public inspection, except to the extent that the commissioner finds release of that information necessary to protect the public. The hearing shall be initiated within 20 days after written notice to the dental plan organization. Any declaration regarding an increase required by a subsequent revision or redetermination shall contain findings specifying the factors deemed significant in regard to the particular dental plan organization, and shall set forth the reasons supporting the increase of capital or surplus ordered by the commissioner. In determining any increase, revision or redetermination in the amount of capital or surplus, the commissioner shall consider the risks of:

d. Changes in economic, social or market conditions that could adversely or favorably affect the financial condition of the dental service corporation, including conditions that would make liquidity more or less important than contemplated and would prevent or facilitate timely investments or force or prohibit untimely sales of assets; and

e. Any other contingencies, including reinsurance and unfunded or extra contractual obligations, which may affect the dental service corporation's financial condition.

C.17:48C-28.3 Determination of increase, revision or redetermination; factors.

23. In determining any increase, revision or redetermination in the capital or surplus of a dental service corporation pursuant to the provisions of section 22 of P.L.2014, c.81 (C.17:48C-28.2) the commissioner shall take into account the following factors:

a. Methods and techniques used to measure risk exposure and variability;

b. The information available relating to the magnitude of the various risks described in section 22 of P.L.2014, c.81 (C.17:48C-28.2);

c. The extent to which risks described in section 22 of P.L.2014, c.81 (C.17:48C-28.2) are independent or interrelated, and whether any dependency is direct or inverse;

d. The extent to which the dental service corporation has provided protection against contingencies in ways other than the establishment of surplus, including, but not limited to: redundancy of premiums; margin in reserves and liabilities; adjustability of contracts pursuant to the terms of the contracts; voluntary or mandatory investment valuation reserves; reinsurance; the use of conservative actuarial assumptions to provide a margin of security; reserve adjustments after rate increases for policies written at earlier and less adequate rates; contingency or catastrophe reserves; and diversification of assets and underwriting risk; and

e. Any other relevant factors, including the National Association of Insurance Commissioners' reports and independent judgments of the soundness of the dental service corporation's financial condition, as evidenced by the rating and reports of reliable professional financial services.

C.17:48C-28.4 Suspension, revocation of authority to do business.

24. The commissioner may suspend or revoke the authority to do business in this State of any dental service corporation that does not comply with the provisions of sections 21 through 25 of P.L.2014, c.81 (C.17:48C-28.1 through C.17:48C-28.5).

C.17:48C-28.2 Increase in amount of capital or surplus required of dental service corporation.

22. The commissioner may increase the amount of capital or surplus required of a dental service corporation, or subsequently revise or redetermine that increase, using appropriate methods and procedures established by rules and regulations adopted by the commissioner, in order to provide adequate protection against risks affecting the dental service corporation's financial condition that are not adequately or fully covered by its reserves or other assets, but under no circumstances shall a dental service corporation's capital or surplus be less than the capital or surplus required pursuant to regulation as prescribed by the commissioner; provided, however, that any increase required by a subsequent revision or redetermination pursuant to this section shall be made only after a departmental hearing, unless that hearing is waived by the affected dental service corporation. All matters pertaining to a hearing or to an increase in capital or surplus pursuant to this section shall be confidential and not subject to subpoena or public inspection, except to the extent that the commissioner finds release of that information necessary to protect the public. The hearing shall be initiated within 20 days after written notice to the dental service corporation. Any declaration regarding an increase required by a subsequent revision or redetermination shall contain findings specifying the factors deemed significant in regard to the particular dental service corporation, and shall set forth the reasons supporting the increase of capital or surplus ordered by the commissioner. In determining any increase, revision or redetermination in the amount of capital or surplus, the commissioner shall consider the risks of:

a. Increases or decreases in the frequency and severity of losses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates that the dental service corporation charged for coverage and above or below those reasonably expected under normal conditions;

b. Increases or decreases in expenses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates the dental service corporation charged for coverage and above or below those reasonably expected under normal conditions;

c. Increases or decreases in the value of, or return on, invested assets under normal operating conditions, as well as increases or decreases in those values, above or below those levels anticipated under normal conditions;

b. The information available relating to the magnitude of the various risks described in section 17 of P.L.2014, c.81 (C.17:48A-19.2);

c. The extent to which risks described in section 17 of P.L.2014, c.81 (C.17:48A-19.2) are independent or interrelated, and whether any dependency is direct or inverse;

d. The extent to which the medical service corporation has provided protection against contingencies in ways other than the establishment of surplus, including, but not limited to: redundancy of premiums; margin in reserves and liabilities; adjustability of contracts pursuant to the terms of the contracts; voluntary or mandatory investment valuation reserves; reinsurance; the use of conservative actuarial assumptions to provide a margin of security; reserve adjustments after rate increases for policies written at earlier and less adequate rates; contingency or catastrophe reserves; and diversification of assets and underwriting risk; and

e. Any other relevant factors, including the National Association of Insurance Commissioners' reports and independent judgments of the soundness of the medical service corporation's financial condition, as evidenced by the rating and reports of reliable professional financial services.

C.17:48A-19.4 Suspension, revocation of authority to do business.

19. The commissioner may suspend or revoke the authority to do business in this State of any medical service corporation that does not comply with the provisions of sections 16 through 20 of P.L.2014, c.81 (C.17:48A-19.1 through C.17:48A-19.5).

C.17:48A-19.5 Rules, regulations.

20. The commissioner may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of sections 16 through 20 of P.L.2014, c.81 (C.17:48A-19.1 through C.17:48A-19.5). Such rules and regulations shall be consistent with the standards for risk based capital for health organizations adopted by the National Association of Insurance Commissioners.

C.17:48C-28.1 Definitions.

21. As used in sections 21 through 25 of P.L.2014, c.81 (C.17:48C-28.1 through C.17:48C-28.5):

"Commissioner" means the Commissioner of Banking and Insurance.

"Dental service corporation" means an entity authorized to transact business in this State pursuant to P.L.1968, c.305 (C.17:48C-1 et seq.).

pertaining to a hearing or to an increase in capital or surplus pursuant to this section shall be confidential and not subject to subpoena or public inspection, except to the extent that the commissioner finds release of that information necessary to protect the public. The hearing shall be initiated within 20 days after written notice to the medical service corporation. Any declaration regarding an increase required by a subsequent revision or redetermination shall contain findings specifying the factors deemed significant in regard to the particular medical service corporation, and shall set forth the reasons supporting the increase of capital or surplus ordered by the commissioner. In determining any increase, revision or redetermination in the amount of capital or surplus, the commissioner shall consider the risks of:

a. Increases or decreases in the frequency and severity of losses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates that the medical service corporation charged for coverage and above or below those reasonably expected under normal conditions;

b. Increases or decreases in expenses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates the medical service corporation charged for coverage and above or below those reasonably expected under normal conditions;

c. Increases or decreases in the value of, or return on, invested assets under normal operating conditions, as well as increases or decreases in those values, above or below those levels anticipated under normal conditions;

d. Changes in economic, social or market conditions that could adversely or favorably affect the financial condition of the medical service corporation, including conditions that would make liquidity more or less important than contemplated and would prevent or facilitate timely investments or force or prohibit untimely sales of assets; and

e. Any other contingencies, including reinsurance and unfunded or extra contractual obligations, which may affect the medical service corporation's financial condition.

C.17:48A-19.3 Determination of increase, revision or redetermination; factors.

18. In determining any increase, revision or redetermination in the capital or surplus of a medical service corporation pursuant to the provisions of section 17 of P.L.2014, c.81 (C.17:48A-19.2) the commissioner shall take into account the following factors:

a. Methods and techniques used to measure risk exposure and variability;

e. Any other relevant factors, including the National Association of Insurance Commissioners' reports and independent judgments of the soundness of the hospital service corporation's financial condition, as evidenced by the rating and reports of reliable professional financial services.

C.17:48-12.4 Suspension, revocation to do business.

14. The commissioner may suspend or revoke the authority to do business in this State of any hospital service corporation that does not comply with the provisions of sections 11 through 15 of P.L.2014, c.81 (C.17:48-12.1 through C.17:48-12.5).

C.17:48-12.5 Rules, regulations.

15. The commissioner may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C. 52:14B-1 et seq.) necessary to effectuate the purposes of sections 11 through 15 of P.L.2014, c.81 (C.17:48-12.1 through C.17:48-12.5). Such rules and regulations shall be consistent with the standards for risk based capital for health organizations adopted by the National Association of Insurance Commissioners.

C.17:48A-19.1 Definitions.

16. As used in sections 16 through 20 of P.L.2014, c.81 (C.17:48A-19.1 through C.17:48A-19.5):

"Commissioner" means the Commissioner of Banking and Insurance.

"Medical service corporation" means an entity authorized to transact business in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.).

C.17:48A-19.2 Increase in amount of capital or surplus required of medical service corporation.

17. The commissioner may increase the amount of capital or surplus required of a medical service corporation, or subsequently revise or redetermine that increase, using appropriate methods and procedures established by rules and regulations adopted by the commissioner, in order to provide adequate protection against risks affecting the medical service corporation's financial condition that are not adequately or fully covered by its reserves or other assets, but under no circumstances shall a medical service corporation's capital or surplus be less than the capital or surplus required pursuant to regulation as prescribed by the commissioner; provided, however, that any increase required by a subsequent revision or redetermination pursuant to this section, shall be made only after a departmental hearing, unless that hearing is waived by the affected medical service corporation. All matters

service corporation charged for coverage and above or below those reasonably expected under normal conditions;

b. Increases or decreases in expenses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates the hospital service corporation charged for coverage and above or below those reasonably expected under normal conditions;

c. Increases or decreases in the value of, or return on, invested assets under normal operating conditions, as well as increases or decreases in those values, above or below those levels anticipated under normal conditions;

d. Changes in economic, social or market conditions that could adversely or favorably affect the financial condition of the hospital service corporation, including conditions that would make liquidity more or less important than contemplated and would prevent or facilitate timely investments or force or prohibit untimely sales of assets; and

e. Any other contingencies, including reinsurance and unfunded or extra contractual obligations, which may affect the hospital service corporation's financial condition.

C.17:48-12.3 Determination of increase, revision or redetermination; factors.

13. In determining any increase, revision or redetermination in the capital or surplus of a hospital service corporation pursuant to the provisions of section 12 of P.L.2014, c.81 (C.17:48-12.2) the commissioner shall take into account the following factors:

a. Methods and techniques used to measure risk exposure and variability;

b. The information available relating to the magnitude of the various risks described in section 12 of P.L.2014, c.81 (C.17:48-12.2);

c. The extent to which risks described in section 12 of P.L.2014, c.81 (C.17:48-12.2) are independent or interrelated, and whether any dependency is direct or inverse;

d. The extent to which the hospital service corporation has provided protection against contingencies in ways other than the establishment of surplus, including, but not limited to: redundancy of premiums; margin in reserves and liabilities; adjustability of contracts pursuant to the terms of the contracts; voluntary or mandatory investment valuation reserves; reinsurance; the use of conservative actuarial assumptions to provide a margin of security; reserve adjustments after rate increases for policies written at earlier and less adequate rates; contingency or catastrophe reserves; and diversification of assets and underwriting risk; and

serve as an independent basis for disapproving dividends or distributions and for placing the insurer under an order of supervision in accordance with P.L.1993, c.245 (C.17:51A-1 et seq.).

C.17:48-12.1 Definitions.

11. As used in sections 11 through 15 of P.L.2014, c.81 (C.17:48-12.1 through C.17:48-12.5):

"Commissioner" means the Commissioner of Banking and Insurance.

"Hospital service corporation" means an entity authorized to transact business in this State pursuant to P.L.1938, c.366 (C.17:48-1 et seq.).

C.17:48-12.2 Increase in amount of capital or surplus required of hospital service corporation.

12. The commissioner may increase the amount of capital or surplus required of a hospital service corporation, or subsequently revise or redetermine that increase, using appropriate methods and procedures established by rules and regulations adopted by the commissioner, in order to provide adequate protection against risks affecting the hospital service corporation's financial condition that are not adequately or fully covered by its reserves or other assets, but under no circumstances shall a hospital service corporation's capital or surplus be less than the capital or surplus required pursuant to regulation as prescribed by the commissioner; provided, however, that any increase required by a subsequent revision or redetermination pursuant to this section, shall be made only after a departmental hearing, unless that hearing is waived by the affected hospital service corporation. All matters pertaining to a hearing or to an increase in capital or surplus pursuant to this section shall be confidential and not subject to subpoena or public inspection, except to the extent that the commissioner finds release of that information necessary to protect the public. The hearing shall be initiated within 20 days after written notice to the hospital service corporation. Any declaration regarding an increase required by a subsequent revision or redetermination shall contain findings specifying the factors deemed significant in regard to the particular hospital service corporation, and shall set forth the reasons supporting the increase of capital or surplus ordered by the commissioner. In determining any increase, revision or redetermination in the amount of capital or surplus, the commissioner shall consider the risks of:

a. Increases or decreases in the frequency and severity of losses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates that the hospital

b. Every director or officer of an insurance holding company system who violates, participates in, or assents to, or who shall permit any of the officers or agents of the insurer to engage in transactions or make investments which have not been properly reported or submitted pursuant to subsection a. of section 3 of P.L.1970, c.22 (C.17:27A-3) or paragraph (2) of subsection a., or subsection c. of section 4 of P.L.1970, c.22 (C.17:27A-4), or which otherwise violate P.L.1970, c.22 (C.17:27A-1 et seq.), shall pay, in their individual capacity, a penalty of up to $5,000 per violation.

c. Whenever it appears to the commissioner that any insurer subject to P.L.1970, c.22 (C.17:27A-1 et seq.) or any director, officer, employee or agent thereof has engaged in any transaction or entered into a contract which is subject to section 4 of P.L.1970, c.22 (C.17:27A-4) and which would not have been approved had such approval been requested, the commissioner may order the insurer to cease and desist immediately any further activity under that transaction or contract. After notice and hearing the commissioner may also order the insurer to void any such contracts and restore the status quo if such action is in the best interest of the policyholders, creditors or the public.

d. Whenever it appears to the commissioner that any insurer or any director, officer, employee or agent thereof has committed a willful violation of P.L.1970, c.22 (C.17:27A-1 et seq.), the commissioner may cause criminal proceedings to be instituted in the Superior Court against that insurer or the responsible director, officer, employee or agent thereof. An insurer which willfully violates that act may be fined up to $10,000 per violation. Any individual who willfully violates P.L.1970, c.22 (C.17:27A-1 et seq.) may be fined in his individual capacity up to $10,000 per violation or, be imprisoned for not less than one year and not more than three years, or both.

e. Any officer, director, or employee of an insurance holding company system who willfully and knowingly subscribes to or makes or causes to be made any false statements or false reports or false filings with the intent to deceive the commissioner in the performance of his duties under P.L.1970, c.22 (C.17:27A-1 et seq.), upon conviction thereof, may be imprisoned for not less than one year and not more than three years or fined up to $10,000 per violation, or both. Any fines imposed shall be paid by the officer, director, or employee in his individual capacity, if legally liable, or the insurer.

f. Whenever it appears to the commissioner that any person has committed a violation of section 2 of P.L.1970, c.22 (C.17:27A-2), which violation prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may

aries pursuant to P.L.2014, c.81 (C.17:27A-5.1 et al.), including procedures and protocols for sharing by the NAIC with other state, federal or international regulators;

(b) specify that ownership of information shared with the NAIC and its affiliates and subsidiaries pursuant to this subsection remains with the commissioner and the use by the NAIC of the information is subject to the direction of the commissioner;

(c) require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC pursuant to P.L.2014, c.81 (C.17:27A-5.1 et al.) is subject to a request or subpoena to the NAIC for disclosure or production; and

(d) require the NAIC and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the NAIC and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the NAIC and its affiliates and subsidiaries pursuant to P.L.1970, c.22 (C.17:27A-1 et seq.), including with respect to the participation in supervisory colleges in accordance with section 7 of P.L.2014, c.81 (C.17:27A-5.1).

d. The sharing of information by the commissioner pursuant to this section shall not constitute a delegation of regulatory authority or rulemaking, and the commissioner is solely responsible for the administration, execution and enforcement of the provisions of P.L.2014, c.81 (C.17:27A-5.1 et al.).

e. No waiver of any applicable privilege or claim of confidentiality in the documents, materials or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection c. of this section.

f. Documents, materials or other information in the possession or control of the NAIC pursuant to P.L.2014, c.81 (C.17:27A-5.1 et al.) shall be confidential by law and privileged, shall not be subject to P.L.1963, c.73 (C.47:1A-1 et seq.), shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

10. Section 8 of P.L.1993, c.241 (C.17:27A-9.1) is amended to read as follows:

C.17:27A-9.1 Violations; penalties.

8. a. Any insurer failing to file any registration statement as required by P.L.1970, c.22 (C.17:27A-1 et seq.) shall be required to pay a penalty of up to $5,000 for each day's delay.

missioner may publish all or any part in such manner as may be deemed appropriate.

b. Neither the commissioner nor any person who received documents, materials or other information while acting under the authority of the commissioner or with whom such documents, materials or other information are shared pursuant to P.L.1970, c.22 (C.17:27A-1 et seq.) shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection a. of this section.

c. In order to assist in the performance of the commissioner's duties, the commissioner:

(1) May, upon request, be required to share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subsection a. of this section, with other state, federal and international regulatory agencies, with the National Association of Insurance Commissioners (NAIC) and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities, including members of any supervisory college described in section 7 of P.L.2014, c.81 (C.17:27A-5.1), provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material or other information, and has verified in writing the legal authority to maintain confidentiality.

(2) Notwithstanding paragraph (1) of this subsection c., the commissioner may only share confidential and privileged documents, material, or information reported pursuant to subsection k. of section 3 of P.L.1970, c.22 (C.17:27A-3) with commissioners of states having statutes or regulations substantially similar to subsection a. of this section and who have agreed in writing not to disclose that information.

(3) May receive documents, materials or information, including otherwise confidential and privileged documents, materials or information from the NAIC and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information; and

(4) Shall enter into written agreements with the NAIC governing the sharing and use of information provided pursuant to P.L.2014, c.81 (C.17:27A-5.1 et al.) consistent with this subsection that shall:

(a) specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC and its affiliates and subsidi-

g. The commissioner is authorized to enter into agreements with or obtain documentation from any insurer registered under section 3 of P.L.1970, c.22 (C.17:27A-3), any affiliate of the insurer and other regulatory officials for members of the insurance group, which provide the basis for or otherwise clarify a regulatory official's role as group supervisor.

h. The commissioner may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary for the administration of this section. In determining whether to promulgate a regulation, the commissioner shall give appropriate consideration to model laws, model regulations and definitions or guidelines pertaining to group-wide supervision, if any, promulgated by the NAIC or other recognized insurance regulatory bodies or associations.

i. A registered insurer subject to this section shall be liable for and shall pay the reasonable expenses of the commissioner's participation in the administration of this section, including the engagement of attorneys, actuaries and any other professionals and all reasonable travel expenses.

9. Section 6 of P.L.1970, c.22 (C.17:27A-6) is amended to read as follows:

C.17:27A-6 Confidential treatment.

6. Confidential treatment.

a. Documents, materials or other information in the possession or control of the department that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to section 5 of P.L.1970, c.22 (C.17:27A-5) and all information reported pursuant to paragraphs (12) and (13) of subsection b. of section 2 of P.L.1970, c.22 (C.17:27A-2), section 3 and section 4 of P.L.1970, c.22 (C.17:27A-3 and 17:27A-4) shall be confidential by law and privileged, shall not be subject to P.L.1963, c.73 (C.47:1A-1 et seq.), shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. The commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interest of policyholders, shareholders or the public will be served by the publication thereof, in which event the com-

ate to assess enterprise risk, including, but not limited to, information about the members of the international insurance group regarding:

(a) Governance, risk assessment and management.

(b) Capital adequacy.

(c) Material intercompany transactions.

(3) Compel development and implementation of reasonable measures designed to assure that the international insurance group is able to timely recognize and mitigate material risks to members that are engaged in the business of insurance.

(4) Communicate with other insurance regulatory officials for members within the international insurance group and share relevant information subject to the confidentiality provisions of section 6 of P.L.1970, c.22 (C.17:27A-6), through supervisory colleges as set forth in section 7 of P.L.2014, c.81 (C.17:27A-5.1) or otherwise.

(5) Enter into agreements with or obtain documentation from any insurer registered under section 3 of P.L.1970, c.22 (C.17:27A-3), any member of the international insurance group and any other chief insurance regulatory officials for members, providing the basis for or otherwise clarifying the commissioner's role as group supervisor, including provisions for resolving disputes with other relevant supervisory authorities. Such agreements or documentation shall not serve as evidence in any proceeding that any insurer or person within an insurance holding company system not incorporated in this State is doing business in this State or is otherwise subject to jurisdiction in this State.

(6) Other group-wide supervisory activities as considered appropriate by the commissioner.

f. If the commissioner acknowledges that a regulatory official from a jurisdiction which is not accredited by the National Association of Insurance Commissioners (NAIC) is the group-wide supervisor, the commissioner is authorized to reasonably cooperate, through supervisory colleges or otherwise, with group supervision undertaken by the group-wide supervisor, provided that:

(1) The commissioner's cooperation is in compliance with the insurance laws of this State.

(2) The regulator also recognizes and cooperates with the commissioner's activities as a group-wide supervisor for other international insurance groups where applicable. Whenever such recognition and cooperation is not reasonably reciprocal, the commissioner is authorized to refuse recognition and cooperation.

missioner determines that there has been a significant material change in the international insurance group that:

(i) results in the group's insurers domiciled in this State holding the majority of the group's assets or liabilities;

(ii) materially alters the operations or ownership of the group's insurers domiciled in this State; or

(iii) makes this State the jurisdiction with the group's largest premium volume or insured exposures.

In the event of a dispute as to the proper jurisdiction to act as lead group-wide supervisor, a determination by the commissioner not to defer to the current lead group-wide supervisor shall be made only after notice and a hearing, and such determination shall be accompanied by specific findings of fact and conclusions of law.

d. Pursuant to section 5 of P.L.1970, c.22 (C.17:27A-5), the commissioner is authorized to collect from any insurer registered pursuant to section 3 of P.L.1970, c.22 (C.17:27A-3) all information necessary to determine whether the commissioner may act as the group-wide supervisor or if the commissioner may acknowledge another insurance regulatory official to act as the group-wide supervisor. Prior to issuing a determination that an international insurance group is subject to group-wide supervision by the commissioner, the commissioner shall notify the insurer registered pursuant to section 3 of P.L.1970, c.22 (C.17:27A-3) and the ultimate controlling person within the international insurance group. The international insurance group shall have not less than 30 days to provide the commissioner with additional information pertinent to the pending determination. The commissioner shall publish on the Department of Banking and Insurance website the identity of international insurance groups that the commissioner has determined are subject to its group-wide supervision.

e. If the commissioner is the group-wide supervisor for an international insurance group, the commissioner is authorized to engage in conducting and coordinating any of the following group-wide supervision activities:

(1) Assess the enterprise risks within the international insurance group, pursuant to section 5 of P.L.1970, c.22 (C.17:27A-5), to ensure that:

(a) The material financial condition and liquidity risks to the members of the international insurance group which are engaged in the business of insurance are identified by management.

(b) Reasonable and effective mitigation measures are in place.

(2) Request, from any member of an international insurance group subject to the commissioner's supervision, information necessary and appropri-

(2) Has substantial insurance operations in the United States, but not in this State; or

(3) Has substantial insurance operations in the United States and this State, but the commissioner has determined that another jurisdiction is the appropriate group-wide supervisor.

c. In cooperation with other supervisors, the commissioner may determine that the commissioner is the appropriate group-wide supervisor for an international insurance group with substantial operations concentrated in this State or with substantial insurance operations conducted by subsidiary insurance companies domiciled in this State, where the ultimate controlling person is domiciled outside of this State, or the commissioner may acknowledge that another chief insurance regulatory official is the appropriate group-wide supervisor for the international insurance group. The commissioner shall consider the following factors and the relative scale of each when making a determination or acknowledgment under this subsection:

(1) The location where the international insurance group is based or the place of domicile of the ultimate controlling person of the international insurance group;

(2) The locations of the international insurance group's executive offices;

(3) The locations of origin of the insurance business of the international insurance group;

(4) The locations of the assets and liabilities of the international insurance group;

(5) The locations of the business operations and activities of the international insurance group; and

(6) If another chief insurance regulatory official is seeking to act as the lead group-wide supervisor whether that jurisdiction:

(a) provides the commissioner with reasonably reciprocal recognition and cooperation; and

(b) is accredited by the National Association of Insurance Commissioners (NAIC) or has substantially similar laws when compared to the insurance laws of this State, especially with regard to the provision of group-wide supervision, enterprise risk analysis and cooperation with other chief insurance regulatory officials.

However, when another chief insurance regulatory official is currently acting as the lead group-wide supervisor of an international insurance group and is acknowledged as such in the National Association of Insurance Commissioners (NAIC) Lead State Summary Report, the commissioner shall defer to that lead group-wide supervisor designation unless the com-

in a supervisory college in accordance with subsection c. of this section, including reasonable travel expenses. For purposes of this section, a supervisory college may be convened as either a temporary or permanent forum for communication and cooperation between the regulators charged with the supervision of the insurer or its affiliates, and the commissioner may establish a regular assessment to the insurer for the payment of these expenses.

c. Supervisory college. In order to assess the business strategy, financial position, legal and regulatory position, risk exposure, risk management and governance processes, and as part of the examination of individual insurers in accordance with section 5 of P.L.1970, c.22 (C.17:27A-5), the commissioner may participate in a supervisory college with other regulators charged with supervision of the insurer or its affiliates, including other state, federal and international regulatory agencies. The commissioner may enter into agreements in accordance with subsection c. of section 6 of P.L.1970, c.22, (C.17:27A-6) providing the basis for cooperation between the commissioner and the other regulatory agencies, and the activities of the supervisory college. Nothing in this section shall delegate to the supervisory college the authority of the commissioner to regulate or supervise the insurer or its affiliates within its jurisdiction.

C.17:27A-5.2 Group-wide supervision for international insurance groups.

8. Group-wide supervision for international insurance groups.

a. As used in this section, the following terms shall have the respective meanings hereinafter set forth, unless the context clearly indicates otherwise:

"Group-wide supervisor" means the chief insurance regulatory official authorized to engage in conducting and coordinating group-wide supervision activities who is from the jurisdiction determined or acknowledged by the commissioner under this section to have sufficient significant contacts with the international insurance group.

"International insurance group" means an insurance group operating internationally that includes an insurer registered under section 3 of P.L.1970, c.22 (C.17:27A-3).

b. The commissioner is authorized to act as the group-wide supervisor for any international insurance group if the international insurance group's ultimate controlling person is domiciled in this State. The commissioner may otherwise acknowledge another jurisdiction as the group-wide supervisor pursuant to the factors set forth in subsections c. and f. of this section whenever the international insurance group:

(1) Does not have substantial insurance operations in the United States;

he shall collect them from the insurer examined, which shall pay them on presentation of an accounting of the expenses.

e. Compelling production. In the event the insurer fails to comply with an order issued pursuant to this section, the commissioner shall have the power to examine the affiliates to obtain the information. The commissioner shall also have the power to issue subpoenas, to administer oaths, and to examine under oath any person for purposes of determining compliance with this section. Upon the failure or refusal of any person to obey a subpoena, the commissioner may petition a court of competent jurisdiction, and upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order shall be punishable as contempt of court. Every person shall be obliged to attend as a witness at the place specified in the subpoena, when subpoenaed, anywhere within the State. He or she shall be entitled to the same fees and mileage, if claimed, as a witness in the Superior Court of New Jersey, which fees, mileage, and actual expense, if any, necessarily incurred in securing the attendance of witnesses, and their testimony, shall be itemized and charged against, and be paid by, the company being examined.

C.17:27A-5.1 Power of commissioner; expenses; supervisory college.

7. a. Power of commissioner. With respect to any insurer registered under section 3 of P.L.1970, c.22 (C.17:27A-3), and in accordance with subsection c. of this section, the commissioner shall also have the power to participate in a supervisory college for any domestic insurer that is part of an insurance holding company system with international operations in order to determine compliance by the insurer with P.L.2014, c.81 (C.17:27A-5.1 et al.). The powers of the commissioner with respect to supervisory colleges include, but are not limited to, the following:

(1) Initiating the establishment of a supervisory college;

(2) Clarifying the membership and participation of other supervisors in the supervisory college;

(3) Clarifying the functions of the supervisory college and the role of other regulators, including the establishment of a group-wide supervisor;

(4) Coordinating the ongoing activities of the supervisory college, including planning meetings, supervisory activities, and processes for information sharing; and

(5) Establishing a crisis management plan.

b. Expenses. Each registered insurer subject to this section shall be liable for and shall pay the reasonable expenses of the commissioner's participation

C.17:27A-5 Examination.

5. Examination.

a. Power of commissioner. In addition to the powers which the commissioner has under other sections of Title 17 of the Revised Statutes and Title 17B of the New Jersey Statutes relating to the examination of insurers, the commissioner shall have the power to examine any insurer registered under section 3 of P.L.1970, c.22 (C.17:27A-3) and its affiliates to ascertain the financial condition of the insurer, including the enterprise risk to the insurer by the ultimate controlling party, or by any entity or combination of entities within the insurance holding company system, or by the insurance holding company system on a consolidated basis.

The commissioner shall also have the power to order any insurer registered under section 3 to produce such records, books, or other information papers in the possession of the insurer or its affiliates as shall be necessary to ascertain the financial condition of the insurer or to determine compliance with P.L.1970, c.22 (C.17:27A-1 et seq.). In the event such insurer fails to comply with such order, the commissioner shall have the power to examine such affiliates to obtain such information.

In addition, to determine compliance with this section, the commissioner may order any insurer registered under section 3 of P.L.1970, c.22 (C.17:27A-3) to produce information not in the possession of the insurer if the insurer can obtain access to that information pursuant to contractual relationships, statutory obligations, or other method. In the event the insurer cannot obtain the information requested by the commissioner, the insurer shall provide to the commissioner a detailed explanation of the reason that the insurer cannot obtain the information and the identity of the holder of the information. Whenever it appears to the commissioner that the detailed explanation is without merit, the commissioner may require the insurer, after notice and opportunity for a hearing, to pay a penalty of up to $5,000 for each day's delay, or may suspend or revoke the insurer's certificate of authority.

b. (Deleted by amendment, P.L.1993, c.241.)

c. Use of consultants. The commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants and other persons as shall be necessary to assist in the conduct of the examination under subsection a. above. Any persons so retained shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

d. Expenses. The reasonable expenses of the examination pursuant to subsection a. above shall be fixed and determined by the commissioner, and

(i) requiring an involved insurer to cease and desist from doing business in this State with respect to the line or lines of insurance involved in the violation; or

(ii) denying the application of an acquired or acquiring insurer for a license to do business in this State.

(b) Such an order shall not be entered unless:

(i) there is a hearing,

(ii) notice of that hearing is issued prior to the end of the waiting period and not less than 15 days prior to the hearing; and

(iii) the hearing is concluded and the order is issued no later than 60 days after the end of the waiting period. Every order shall be accompanied by a written decision of the commissioner setting forth his findings of fact and conclusions of law.

(c) An order entered under this subsection shall not become final earlier than 30 days after it is issued, during which time the involved insurer may submit a plan to remedy the anti-competitive impact of the acquisition within a reasonable time. Based upon such plan or other information, the commissioner shall specify the conditions, if any, under which, and the time period during which, the aspects of the acquisition causing a violation of the standards of this section may be remedied and the order vacated or modified.

(d) An order pursuant to this subsection shall not apply if the acquisition is not consummated.

(2) Any person who violates a cease and desist order of the commissioner under paragraph (1) while such order is in effect, may after notice and hearing, be subject to a penalty of up to $10,000 for each day of violation, or suspension or revocation of that person's license, or both.

(3) Any insurer or other person who fails to make any filing required by this section shall be required to pay a penalty of up to $5,000 per violation.

f. Subsections b. and c. of section 8 of P.L.1970, c.22 (C.17:27A-8) and section 10 of P.L.1970, c.22 (C.17:27A-10) shall not apply to acquisitions covered under this section.

g. This section shall not limit the commissioner's authority to refuse to renew or revoke the certificate of authority of an insurer admitted to transact business in this State pursuant to R.S.17:32-1 et seq., or N.J.S.17B:23-1 et seq.

6. Section 5 of P.L.1970, c.22 (C.17:27A-5) is amended to read as follows:

(ii) one of the insurers involved is one of the insurers in a grouping of such large insurers showing the requisite increase in the market share; and

(iii) another involved insurer's market is two percent or more.

(c) Even though an acquisition is not prima facie violative of the competitive standard under subparagraphs (a) and (b) of this paragraph (2), the commissioner may establish the requisite anticompetitive effect based upon other substantial evidence. Even though an acquisition is prima facie violative of the competitive standard under those subparagraphs, a party may establish the absence of the requisite anticompetitive effect based upon other substantial evidence. Relevant factors in making a determination under this subparagraph (c) include, but are not limited to, the following: market shares, volatility of ranking of market leaders, number of competitors, concentration, trend of concentration in the industry, and ease of entry and exit into the market.

(d) For the purposes of this paragraph (2):

The term "insurer" includes any company or group of companies under common management, ownership or control;

The term "market" means the relevant product and geographical markets as determined by the commissioner. In determining the relevant product and geographical markets, the commissioner shall give due consideration to, among other things, the definitions or guidelines, if any, promulgated by the National Association of Insurance Commissioners and to information, if any, submitted by parties to the acquisition. In the absence of sufficient information to the contrary, the relevant product market is assumed to be the direct written insurance premium for a line of business, such line being that used in the annual statement required to be filed by insurers doing business in this State, and the relevant geographical market is assumed to be this State.

The burden of showing prima facie evidence of violation of the competitive standard rests upon the commissioner.

(3) An order may not be entered under paragraph (1) of subsection e. if:

(a) The acquisition will yield substantial economies of scale or economies in resource utilization that cannot be feasibly achieved in any other way, and the public benefits which would arise from those economies exceed the public benefits which would arise from not lessening competition; or

(b) The acquisition will substantially increase the availability of insurance, and the public benefits of that increase exceed the public benefits which would arise from not lessening competition.

e. (1) (a) If an acquisition violates the standards of this section, the commissioner may enter an order:

(a) Any acquisition covered under subsection b. involving two or more insurers competing in the same market shall be prima facie evidence of violation of the competitive standard if the market is highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	Insurer B
4%	4% or more
10%	2% or more
15%	1% or more

or, if the market is not highly concentrated and the involved insurers possess the following shares of the market:

Insurer A	Insurer B
5%	5% or more
10%	4% or more

Insurer A	Insurer B
15%	3% or more
19%	1% or more

For the purposes of this subparagraph (a), the insurer with the largest share of the market shall be deemed to be Insurer A. A highly concentrated market is one in which the share of the four largest insurers is seventy-five percent or more of the market. Percentages not shown in the tables are interpolated proportionately to the percentages that are shown. If more than two insurers are involved, exceeding the total of the two columns in the table shall be prima facie evidence of violation of the competitive standards in paragraph (1) of this subsection.

(b) There is a significant trend toward increased concentration when the aggregate market share of any grouping of the largest insurers in the market, from the two largest to the eight largest, has increased by seven percent or more of the market over a period of time, extending from any base year five to ten years prior to the acquisition, up to the time of the acquisition. Any acquisition or merger covered under subsection b. involving two or more insurers competing in the same market shall be prima facie evidence of a violation of the competitive standard in paragraph (1) of this subsection if:

(i) there is a significant trend toward increased concentration in the market;

in accordance with paragraph (1) of subsection c. of this section 30 days prior to the proposed effective date of the acquisition. Such pre-acquisition notification is not required for exclusion from this section if the acquisition would otherwise be excluded from this section by any other paragraph of this subsection.

c. An acquisition covered by subsection b. of this section shall be subject to an order pursuant to subsection e. of this section unless the acquiring person files a pre-acquisition notification and the waiting period has expired. The acquired person may file a pre-acquisition notification. The commissioner shall give confidential treatment to information submitted under this subsection in the same manner as provided in section 6 of P.L.1970, c.22 (C.17:27A-6).

(1) The pre-acquisition notification shall be in such form and contain such information as prescribed by the commissioner relating to those markets which, under subparagraph (2)(d) of subsection b. of this section, cause the acquisition not to be exempted from the provisions of this section. The commissioner may require such additional material and information as he deems necessary. The required information may include an opinion of an economist as to the competitive impact of the acquisition in this State, accompanied by a summary of the education and experience of that person indicating his ability to render an informed opinion.

(2) The waiting period required shall begin on the date of receipt by the commissioner of pre-acquisition notification and shall end on the earlier of the 30th day after the date of that notification, or termination of the waiting period by the commissioner. Prior to the end of the waiting period, the commissioner on a one-time basis may require the submission of additional needed information relevant to the proposed acquisition, in which event the waiting period shall end on the earlier of the 30th day after receipt of that additional information by the commissioner or termination of the waiting period by the commissioner.

d. (1) The commissioner may enter an order under paragraph (1) of subsection e. with respect to an acquisition if there is substantial evidence that the effect of the acquisition may be substantially to lessen competition in any line of insurance of this State or, to tend to create a monopoly therein or if the insurer fails to file adequate information in compliance with subsection c.

(2) In determining whether a proposed acquisition would violate the competitive standard of paragraph (1) of this subsection, the commissioner shall consider the following:

b. (1) Except as provided in paragraph (2) of this subsection, this section applies to any acquisition in which there is a change in control of an insurer authorized to do business in this State.

(2) This section shall not apply to the following:

(a) (Deleted by amendment, P.L.2014, c.81)

(b) A purchase of securities solely for investment purposes, so long as those securities are not used by voting or otherwise to cause or attempt to cause the substantial lessening of competition in any insurance market in this State. If a purchase of securities results in a presumption of control as defined in subsection c. of section 1 of P.L.1970, c.22 (C.17:27A-1), it is not solely for investment purposes unless the commissioner or other appropriate official of the insurer's state of domicile accepts a disclaimer of control or affirmatively finds that control does not exist and such disclaimer action or affirmative finding is communicated by the domiciliary commissioner or official to the commissioner of this State;

(c) The acquisition of already affiliated persons;

(d) An acquisition if, as an immediate result of the acquisition, the combined market share of the involved insurers would not exceed five percent of the total market, there would be no increase in the market, or

(i) the combined market share of the involved affiliated insurers would not exceed twelve percent of the total market, and

(ii) the market share increases by no more than two percent of the total market.

For the purpose of this subparagraph (d), "market" means direct written insurance premium in this State for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this State;

(e) An acquisition for which a pre-acquisition notification would be required pursuant to this section due solely to the resulting effect on the ocean marine insurance line of business;

(f) An acquisition of an insurer whose domiciliary commissioner or other appropriate official affirmatively finds that: the insurer is in failing condition; there is a lack of feasible alternatives to improving that condition; the public benefits of improving that insurer's condition through the acquisition exceed the public benefits that would arise from not lessening competition; and such findings are communicated by the domiciliary commissioner or official to the commissioner of this State.

(g) The acquisition of a person by another person when both persons are neither directly nor through affiliates primarily engaged in the business of insurance, if pre-acquisition notification is filed with the commissioner

ployees of the insurer or of any entity controlling, controlled by, or under common control with, the insurer and who are not beneficial owners of a controlling interest in the voting securities of the insurer or any such entity. The committee shall be responsible for recommending the selection of independent certified public accountants, reviewing the insurer's financial condition, the scope and results of the independent audit and any internal audit, nominating candidates for director for election by shareholders or policyholders, evaluating the performance of officers deemed to be principal officers of the insurer and recommending to the board of directors the selection and compensation, including bonuses or other special payments, of the principal officers.

(5) The provisions of paragraphs (3) and (4) of this subsection d. shall not apply to a domestic insurer if the person controlling the insurer, such as an insurer, a mutual insurance holding company, or a publicly held corporation, is an entity having a board of directors and committees thereof that substantially meet the requirements of those paragraphs.

(6) An insurer may make application to the commissioner for a waiver from the requirements of this subsection, if the insurer's annual direct written and assumed premium, excluding premiums reinsured with the Federal Crop Insurance Corporation and National Flood Insurance Program, is less than $300,000,000. An insurer may also make application to the commissioner for a waiver from the requirements of this subsection based upon unique circumstances. The commissioner may consider various factors including, but not limited to, the type of business entity, volume of business written, availability of qualified board members, or the ownership or organizational structure of the entity.

5. Section 7 of P.L.1993, c.241 (C.17:27A-4.1) is amended to read as follows:

C.17:27A-4.1 Definitions, regulations concerning acquisitions.

7. a. As used in this section only:

"Acquisition" means any agreement, arrangement or activity, the consummation of which results in a person acquiring, directly or indirectly, the control of another person, and includes but is not limited to the acquisition of voting securities, the acquisition of assets, bulk reinsurance and mergers.

An "involved insurer" includes an insurer which either acquires or is acquired, is affiliated with an insurer which is an acquirer or is acquired, or is the result of a merger.

preceding, or (ii) the net gain from operations of such insurer, if such insurer is a life insurer, or the net income, if such insurer is not a life insurer, not including realized capital gains, for the 12-month period ending December 31 next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.

(c) Notwithstanding any other provision of law, a domestic insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon shareholders until (i) 30 days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment, or (ii) the commissioner shall have approved such payment within such 30-day period.

(3) Except for extraordinary dividends or distributions paid pursuant to paragraph (2) of this subsection, all dividends or distributions to shareholders shall be declared or paid by insurers subject to registration under section 3 of P.L.1970, c.22 (C.17:27A-3) from only earned surplus. For purposes of this paragraph, "earned surplus" means unassigned funds (surplus), as reported on the insurer's annual statement as of December 31 next preceding, less unrealized capital gains and revaluation of assets.

d. Management of domestic insurers subject to registration.

(1) Notwithstanding the control of a domestic insurer by any person, the officers and directors of the insurer shall not thereby be relieved of any obligation or liability to which they would otherwise be subject by law, and the insurer shall be managed so as to assure its separate operating identity consistent with P.L.1970, c.22 (C.17:27A-1 et seq.).

(2) Nothing herein shall preclude a domestic insurer from having or sharing a common management or cooperative or joint use of personnel, property or services with one or more other persons under arrangements meeting the standards of paragraph (1) of subsection a. of this section.

(3) Not less than one-third of the directors of a domestic insurer, and not less than one-third of the members of each committee of the board of directors of any domestic insurer, shall be persons who are not officers or employees of that insurer or of any entity controlling, controlled by, or under common control with, that insurer and who are not beneficial owners of a controlling interest in the voting securities of that insurer or any such entity. At least one such person shall be included in any quorum for the transaction of business at any meeting of the board of directors or any committee thereof.

(4) The board of directors of a domestic insurer shall establish one or more committees comprised solely of directors who are not officers or em-

(4) The extent of the geographical dispersion of the insurer's insured risks;

(5) The nature and extent of the insurer's reinsurance program;

(6) The quality, diversification, and liquidity of the insurer's investment portfolio;

(7) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(8) The surplus as regards policyholders maintained by other comparable insurers in respect of the factors enumerated in this subsection;

(9) The adequacy of the insurer's reserves;

(10) The quality and liquidity of investments in affiliates. The commissioner may discount any such investments or treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his judgment such investment so warrants; and

(11) The quality of the insurer's earnings and the extent to which the reported earnings include extraordinary items.

c. Dividends and other distributions.

(1) A domestic insurer subject to registration under section 3 of P.L.1970, c.22 (C.17:27A-3) shall report to the commissioner any dividend or distribution to its shareholders within five business days following declaration and at least 30 days, after receipt of that report by the commissioner, prior to payment. For good cause shown, the commissioner may reduce the notification period prior to payment to a period of not less than 10 days. The commissioner shall limit or disallow the payment of any dividend or distribution if he determines that the insurer's surplus as regards policyholders is not reasonable in relation to its outstanding liabilities and adequate to its financial needs pursuant to subsection b. of this section or if the insurer is otherwise found to be in a hazardous financial condition.

(2) (a) No domestic insurer subject to registration under section 3 shall pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until (i) 30 days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment, or (ii) the commissioner shall have approved such payment within such 30-day period.

(b) For purposes of this paragraph, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the greater of (i) 10% of such insurer's surplus as regards policyholders as of December 31 next

(f) Direct or indirect acquisitions or investments in a person that controls the insurer or in an affiliate of the insurer in an amount which, together with its present holdings in such investments, exceeds two and one-half percent (2.5%) of the insurer's surplus to policyholders. Direct or indirect acquisitions in insurance affiliates that are subject to section 2 of P.L.1970, c.22 (C.17:27A-2), shall be exempt from this requirement; and

(g) Any material transactions, specified by regulation, which the commissioner determines may adversely affect the interests of the insurer's policyholders. Nothing herein contained shall be deemed to authorize or permit any transactions which, in the case of an insurer which is not a member of the same insurance holding company system, would be otherwise contrary to law.

(3) A domestic insurer may not enter into transactions which are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would otherwise occur. If the commissioner determines that such separate transactions were entered into over any 12-month period for that purpose, he may exercise his authority under section 8 of P.L.1993, c.241 (C.17:27A-9.1).

(4) The commissioner, in reviewing transactions pursuant to paragraph (2) of this subsection, shall consider whether the transactions comply with the standards set forth in paragraph (1) of this subsection and whether they may adversely affect the interests of policyholders.

(5) The commissioner shall be notified within 30 days of any investment of the domestic insurer in any one corporation if the total investment in that corporation by the insurance holding company system exceeds 10% of that corporation's voting securities.

(6) The commissioner may by regulation specify certain types of transactions that need not be submitted for review under this subsection if he determines that those transactions would not have a significant impact on the financial condition or methods of operation of the insurer.

b. Adequacy of surplus. For purposes of this chapter, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

(1) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force and other appropriate criteria;

(2) The extent to which the insurer's business is diversified among the several lines of insurance;

(3) The number and size of risks insured in each line of business;

shall include the reasons for the change and the financial impact on the domestic insurer. Informal notice shall be reported, within 30 days after a termination of a previously filed agreement, to the commissioner for determination of the type of filing required.

(a) Sales, purchases, exchanges, loans or extensions of credit, guarantees or other contingent obligations, investments, or loans collateralized by the stock of a subsidiary or affiliate, provided such transactions equal or exceed: (i) with respect to insurers other than life insurers, the lesser of 3% of the insurer's admitted assets or 25% of surplus as regards policyholders, as of December 31 next preceding; (ii) with respect to life insurers, 3% of the insurer's admitted assets, as of December 31 next preceding;

(b) Loans or extensions of credit to any person who is not an affiliate, in which the insurer makes such loans or extensions of credit with the agreement or understanding that the proceeds of such transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making those loans or extensions of credit, provided those transactions are equal to or exceed: (i) with respect to insurers other than life insurers, the lesser of 3% of the insurer's admitted assets or 25% of surplus as regards policyholders, as of December 31 next preceding; (ii) with respect to life insurers, 3% of the insurer's admitted assets, as of December 31 next preceding;

(c) Reinsurance agreements or modifications thereto, including:

(i) All reinsurance pooling agreements; and

(ii) Agreements in which the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or a change in the insurer's liabilities in any of the next three years, equals or exceeds 5% of the insurer's surplus as regards policyholders, as of December 31 next preceding, including those agreements which may require as consideration the transfer of assets from an insurer to a non-affiliate if an agreement or understanding exists between the insurer and non-affiliate that any portion of those assets will be transferred to one or more affiliates of the insurer;

(d) All management agreements, service contracts, tax allocation agreements, and all cost-sharing arrangements;

(e) Guarantees when made by a domestic insurer; provided, however, that a guarantee which is quantifiable as to amount shall not be subject to the notice requirements of this paragraph unless it exceeds the lesser of one-half of one percent (.5%) of the insurer's admitted assets or ten percent (10%) of surplus as regards policyholders as of the 31st day of December next preceding. Further, all guarantees which are not quantifiable as to amount shall be subject to the notice requirements of this paragraph;

l. Violations. The failure to file a registration statement or any amendment thereto or enterprise risk filing required by this section within the time specified for such filing shall be a violation of this section.

4. Section 4 of P.L.1970, c.22 (C.17:27A-4) is amended to read as follows:

C.17:27A-4 Standards.

4. Standards.

a. Transactions within an insurance holding company system.

(1) Transactions within an insurance holding company system to which an insurer subject to registration is a party shall be subject to the following standards:

(a) The terms shall be fair and reasonable;

(b) Agreements for cost sharing services and management shall include such provisions as required by rules and regulations adopted by the commissioner;

(c) Charges or fees for services performed shall be reasonable;

(d) Expenses incurred and payment received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;

(e) The books, accounts and records of each party to all such transactions shall be so maintained as to clearly and accurately disclose the precise nature and details of the transactions, including such accounting information as is necessary to support the reasonableness of the charges or fees to the respective parties; and

(f) The insurer's surplus as regards policyholders following any transaction with affiliates or dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(2) The following transactions, set forth in subparagraphs (a) through (g) of this paragraph (2) involving a domestic insurer and any person in its insurance holding company system, including amendments or modifications of affiliate agreements previously filed pursuant to this section, which are subject to any materiality standards contained in subparagraphs (a) through (g) of this paragraph (2) may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into that transaction at least 30 days prior thereto, or such shorter period as the commissioner may permit, and the commissioner has not disapproved it within that 30-day period. The notice for amendments or modifications

bly necessary to enable the insurer to comply with the provisions of P.L.1970, c.22 (C.17:27A-1 et seq.).

f. Termination of registration. The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

g. Consolidated filing. The commissioner may require or allow two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

h. Alternative registration. The commissioner may allow an insurer which is authorized to do business in this State and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection a. and to file all information and material required to be filed under this section.

i. Exemptions. The provisions of this section shall not apply to any insurer, information or transaction if and to the extent that the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section.

j. Disclaimer. Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. A disclaimer of affiliation shall be deemed to have been granted unless the commissioner, within 30 days following receipt of a complete disclaimer, notifies the filing party in writing that the disclaimer is disallowed. In the event of disallowance, the disclaiming party may request a hearing. The disclaiming party shall be relieved of its duty to register under this section if approval of the disclaimer has been granted by the commissioner, or if the disclaimer is deemed to have been approved.

k. Enterprise risk filing. The ultimate controlling person of every insurer subject to registration shall also file an annual enterprise risk report. The report shall, to the best of the ultimate controlling person's knowledge and belief, identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer. The report shall be filed with the lead state commissioner of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners.

(4) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system;

(5) Financial statements of or within an insurance holding company system, including all affiliates, if requested by the commissioner. Financial statements shall include, but are not limited to, annual audited financial statements filed with the U.S. Securities and Exchange Commission (SEC) pursuant to the Securities Act of 1933, 15 U.S.C. s.77a et seq., or the Securities Exchange Act of 1934, 15 U.S.C. s.78a et seq. An insurer required to file financial statements pursuant to this paragraph may satisfy the request by providing the commissioner with the most recently filed parent corporation financial statements that have been filed with the SEC;

(6) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the commissioner;

(7) Statements that the insurer's board of directors is responsible for and oversees corporate governance and internal controls and that the insurer's officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures; and

(8) Any other information required by the commissioner by rule or regulation.

All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

c. Materiality. No information need be disclosed on the registration statement filed pursuant to subsection b. of this section if such information is not material for the purposes of this section. Unless the commissioner by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees or other contingent obligations involving 1/2 of 1% or less of an insurer's admitted assets as of December 31 next preceding shall not be deemed material for purposes of this section.

d. Amendments to registration statements. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within 15 days after the end of the month in which it learns of each such change or addition.

e. Information of insurers. Any person within an insurance holding company system subject to registration shall be required to provide complete and accurate information to an insurer, if that information is reasona-

similar provision which requires that each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions, including change of or additions to ownership, within 15 days after the end of each month in which it learns of each such change or addition. Any insurer which is subject to registration under this section shall register within 60 days after the effective date of P.L.1993, c.241 or 15 days after it becomes subject to registration, whichever is later, and annually thereafter by April 1 of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration, and then within such extended time. The commissioner may require any authorized insurer which is a member of an insurance holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction.

b. Information and form required. Every insurer subject to registration shall file a registration statement and a summary of the registration statement with the commissioner on a form provided by the commissioner, which shall contain current information about:

(1) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer;

(2) The identity and relationship of every member of the insurance holding company system;

(3) The following agreements in force, relationships subsisting, and transactions currently outstanding or which have occurred during the last calendar year between such insurer and its affiliates:

(a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(b) Purchases, sales, or exchanges of assets;

(c) Transactions not in the ordinary course of business;

(d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(e) All management agreements, service contracts and all cost-sharing arrangements;

(f) Reinsurance agreements;

(g) Dividends and other distributions to shareholders, including the declarations and authorizations thereof; and

(h) Consolidated tax allocation agreements;

(1) Any transaction which is subject to the provisions of R.S.17:27-1 et seq. or N.J.S.17B:18-60 et seq., concerning the merger or consolidation of two or more insurers; and

(2) Any offer, request, invitation, agreement or acquisition which the commissioner by order shall exempt therefrom as (a) not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer, or (b) as otherwise not comprehended within the purposes of this section.

g. Violations. The following shall be violations of this section:

(1) The failure to file any statement, amendment, or other material required to be filed pursuant to subsection a. or b.; or

(2) Subject to subsection f., the effectuation of, or any attempt to effectuate, an acquisition of control of, divestiture of, or merger with, a domestic insurer unless the commissioner has given his approval thereto.

h. Jurisdiction; consent to service of process.

The courts of this State are hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in this State who files a statement with the commissioner under this section, and over all actions involving such person arising out of violations of this section, and each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such a person of the commissioner to be his true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at his last known address.

3. Section 3 of P.L.1970, c.22 (C.17:27A-3) is amended to read as follows:

C.17:27A-3 Registration of insurers.

3. Registration of insurers.

a. Registration. Every insurer which is authorized to do business in this State and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in: this section; paragraph (1) of subsection a. and subsections b. and c. of section 4 of P.L.1970, c.22 (C.17:27A-4); and either paragraph (2) of subsection a. of section 4 of P.L.1970, c.22 (C.17:27A-4) or a substantially

the statement and the insurer. Not less than seven days' notice of such public hearing shall be given by the person filing the statement to such other persons as may be designated by the commissioner. The hearing shall, at the commissioner's discretion, be conducted by the commissioner or his designee who shall report to the commissioner and advise him on the nature of the matter delegated. The commissioner shall make a determination or issue an order, based upon that advice and report, as he shall, in his discretion, determine, and that determination or order shall have the same force and effect as if the commissioner had conducted that hearing personally. The commissioner shall make a determination within 45 business days after the conclusion of such hearing. At such hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interest may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses, and offer oral and written arguments and in connection therewith shall be entitled to conduct discovery proceedings in the same manner as is presently allowed in the Superior Court of this State. All discovery proceedings shall be concluded not later than three days prior to the commencement of the public hearings.

(3) If the proposed acquisition of control requires the approval of more than one commissioner, the public hearing referred to in paragraph (2) may be held on a consolidated basis upon request of the person filing the statement referred to in subsection a. of this section. That person shall file the statement referred to in subsection a. of this section with the National Association of Insurance Commissioners within five days of making the request for a public hearing. A commissioner may opt out of a consolidated hearing, and shall provide notice to the applicant of the decision to opt out within 10 days of the receipt of the statement referred to in subsection a. of this section. A hearing conducted on a consolidated basis shall be public, if not conducted on the documents filed in accordance with the applicable state's procedures for such hearings, and shall be held within the United States in accordance with the rules and procedures of the state hosting the consolidated hearing before the commissioners of the states in which the insurers are domiciled. The commissioners shall hear and receive evidence. A commissioner may attend the hearing, in person or by telecommunication.

(4) The commissioner may retain, at the acquiring person's expense, any attorneys, actuaries, accountants and other persons as may be reasonably necessary to assist the commissioner in reviewing the proposed acquisition of control.

e. (Deleted by amendment, P.L.1993, c.241.)

f. Exemptions. The provisions of this section shall not apply to:

ate a monopoly therein. In applying the competitive standard of this subparagraph:

(a) The informational requirements of paragraph (1) of subsection c. and paragraph (2) of subsection d. of section 7 of P.L.1993, c.241 (C.17:27A-4.1) shall apply;

(b) The merger or other acquisition shall not be disapproved if the commissioner finds that any of the situations meeting the criteria provided by paragraph (3) of subsection d. of section 7 of P.L.1993, c.241 (C.17:27A-4.1) exist; and

(c) The commissioner may condition approval of the merger or other acquisition on the removal of the basis of disapproval within a specified period of time;

(iii) The financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer, or prejudice the interest of its policyholders;

(iv) The financial condition of any acquiring party is such that (a) the acquiring party has not been financially solvent on a generally accepted accounting principles basis, or if an insurer, on a statutory accounting basis, for the most recent three fiscal years immediately prior to the date of the proposed acquisition (or for the whole of such lesser period as such acquiring party and any predecessors thereof shall have been in existence); (b) the acquiring party has not generated net before-tax profits from its normal business operations for the latest two fiscal years immediately prior to the date of acquisition (or for the whole of such lesser period as such acquiring party and any predecessors thereof shall have been in existence); or (c) the acquisition debt of the acquiring party exceeds 50% of the purchase price of the insurer;

(v) The plans or proposals which the acquiring party has to liquidate the insurer, sell its assets or consolidate or merge it with any person, or to make any other material change in its business or corporate structure or management, are unfair and unreasonable to policyholders of the insurer and not in the public interest;

(vi) The competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control; or

(vii) The acquisition is likely to be hazardous or prejudicial to the insurance buying public.

(2) The public hearing referred to in paragraph (1) shall be held within 60 days after the statement required by subsection a. is filed and at least 20 days' notice thereof shall be given by the commissioner to the person filing

(14) Such additional information as the commissioner may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders of the insurer or in the public interest.

If the person required to file the statement referred to in subsection a. is a partnership, limited partnership, syndicate or other group, the commissioner may require that the information called for by paragraphs (1) through (14) shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member or person is a corporation or the person required to file the statement referred to in subsection a. is a corporation, the commissioner may require that the information called for by paragraphs (1) through (14) shall be given with respect to such corporation, each officer and director of such corporation, and each person who is directly or indirectly the beneficial owner of more than 10% of the outstanding voting securities of such corporation.

If any material change occurs in the facts set forth in the statement filed with the commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the commissioner and sent to such insurer within two business days after the person learns of such change.

c. Alternative filing materials. If any offer, request, invitation, agreement or acquisition referred to in subsection a. is proposed to be made by means of a registration statement under the Securities Act of 1933, 48 Stat. 74 (15 U.S.C. s.77a et seq.), or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, 48 Stat. 881 (15 U.S.C. s.78a et seq.), or under a State law requiring similar registration or disclosure, the person required to file the statement referred to in subsection a. may utilize such documents in furnishing the information called for by that statement.

d. Approval by commissioner; hearings.

(1) The commissioner shall approve any merger or other acquisition of control referred to in subsection a. unless, after a public departmental hearing thereon, he finds that:

(i) After the change of control the domestic insurer referred to in subsection a. would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(ii) The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this State or tend to cre-

(5) The number of shares of any security referred to in subsection a. which each acquiring party proposes to acquire, and the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection a., and a statement as to the method by which the fairness of the proposal was arrived at.

(6) The amount of each class of any security referred to in subsection a. which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party.

(7) A full description of any contracts, arrangements or understandings with respect to any security referred to in subsection a. in which any acquiring party is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into.

(8) A description of the purchase of any security referred to in subsection a. during the 12 calendar months preceding the filing of the statement, by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid or agreed to be paid therefor.

(9) A description of any recommendations to purchase any security referred to in subsection a. made during the 12 calendar months preceding the filing of the statement, by any acquiring party, or by anyone based upon interviews or at the suggestion of such acquiring party.

(10) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for, and agreements to acquire or exchange any securities referred to in subsection a., and (if distributed) of additional soliciting material relating thereto.

(11) The terms of any agreement, contract or understanding made or proposed to be made with any broker-dealer as to solicitation of securities referred to in subsection a. for tender, and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto.

(12) An agreement by the person required to file the statement referred to in subsection a. of this section that it will provide the annual enterprise risk report, specified in subsection k. of section 3 of P.L.1970, c.22 (C.17:27A-3), so long as control exists.

(13) An acknowledgement by the person required to file the statement referred to in subsection a. of this section that the person and all subsidiaries within its control in the insurance holding company system will provide information to the commissioner upon request as necessary to evaluate enterprise risk to the insurer.

P.L.1993, c.241 (C.17:27A-4.1). A failure to file the notification may be subject to penalties specified in paragraph (3) of subsection e. of section 7 of P.L.1993, c.241 (C.17:27A-4.1).

b. Content of statement. The statement to be filed with the commissioner hereunder shall be made under oath or affirmation and shall contain the following:

(1) The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection a. is to be effected (hereinafter called "acquiring party"), and

(i) If such person is an individual, his principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past 10 years;

(ii) If such person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence; an informative description of the business intended to be done by such person and such person's subsidiaries; and a list of all individuals who are or who have been selected to become directors or executive officers of such person, or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by subparagraph (i) of this paragraph.

(2) The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose (including any pledge of the insurer's stock, or the stock of any of its subsidiaries or controlling affiliates), and the identity of persons furnishing such consideration, provided, however, that where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests.

(3) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each such acquiring party (or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence), and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement.

(4) Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets or merge or consolidate it with any person, or to make any other material change in its business or corporate structure or management.

Commissioners to define standards and the commissioner's authority over companies deemed to be in a hazardous financial condition.

2. Section 2 of P.L.1970, c.22 (C.17:27A-2) is amended to read as follows:

C.17:27A-2 Acquisition of control of or merger with domestic insurer.

2. Acquisition of control of or merger with domestic insurer.

a. (1) Filing requirements. No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly (or by conversion or by exercise of any right to acquire) be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time any such offer, request, or invitation is made or any such agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is involved, such person has filed with the commissioner and has sent to such insurer, a statement containing the information required by this section and such offer, request, invitation, agreement or acquisition has been approved by the commissioner in the manner hereinafter prescribed.

For purposes of this subsection, a domestic insurer shall include any other person controlling a domestic insurer.

(2) For purposes of this subsection, any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer, in any manner, shall file with the commissioner, with a copy to the insurer, confidential notice of its proposed divestiture at least 30 days prior to the cessation of control. The commissioner shall by regulation determine those instances in which the party seeking to divest or to acquire a controlling interest in an insurer will be required to file for and obtain approval of the transaction. The information shall remain confidential until the conclusion of the transaction unless the commissioner, in his or her discretion, determines that confidential treatment will interfere with enforcement of this subsection a. If the statement referred to in paragraph (1) of this subsection a. is otherwise filed, this paragraph (2) regarding notice of divestiture or acquisition shall not apply.

(3) With respect to a transaction subject to this subsection a., the acquiring person shall also file a pre-acquisition notification with the commissioner, which shall contain the information set forth in section 7 of

to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

d. An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer.

e. The term "insurer" means any person or persons, corporation, partnership or company authorized by the laws of this State to transact the business of insurance or to operate a health maintenance organization in this State, except that it shall not include agencies, authorities or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

f. A "person" is an individual, a corporation, a limited liability company, partnership, an association, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing acting in concert.

g. (Deleted by amendment, P.L.1993, c.241).

h. A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries.

i. The term "voting security" shall include any security convertible into or evidencing a right to acquire a voting security.

j. "Acquisition" means any agreement, arrangement or activity, the consummation of which results in a person acquiring directly or indirectly the control of another person, and includes but is not limited to the acquisition of voting securities, and assets, and bulk reinsurance and mergers.

k. "Health maintenance organization" means any person operating under a certificate of authority issued pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.).

l. "Enterprise risk" means any activity, circumstance, event or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including, but not limited to, anything that would cause the insurer's Risk-Based Capital to fall into company action level as set forth in administrative rules adopted by the commissioner which reflect the standards set forth in the Risk-Based Capital For Insurers Model Act adopted by the National Association of Insurance Commissioners or would cause the insurer to be in hazardous financial condition as defined in administrative rules adopted by the commissioner which reflect the standards set forth in the Model Regulation adopted by the National Association of Insurance

CHAPTER 81

AN ACT concerning the modernization of the financial solvency regulation of insurers and amending and supplementing various parts of statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1970, c.22 (C.17:27A-1) is amended to read as follows:

C.17:27A-1 Definitions.

1. Definitions.

As used in P.L.1970, c.22 (C.17:27A-1 et seq.), the following terms shall have the respective meanings hereinafter set forth, unless the context shall otherwise require:

a. An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

b. The term "commissioner" shall mean the Commissioner of Banking and Insurance or the commissioner's deputies.

c. The term "control" (including the terms "controlling," "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, 10% or more of the voting securities of any other person, provided that no such presumption of control shall of itself relieve any person so presumed to have control from any requirement of P.L.1970, c.22 (C.17:27A-1 et seq.). This presumption may be rebutted by a showing made in the manner provided by subsection j. of section 3 of P.L.1970, c.22 (C.17:27A-3) that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and an opportunity to be heard, and making specific findings of fact

CHAPTER 80

AN ACT allowing gross income taxpayers to use their gross income tax returns to make voluntary contributions to the ALS Association for services to New Jersey residents, supplementing Title 54A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.54A:9-25.38 "ALS Association Support Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "ALS Association Support Fund."

b. For taxable years beginning on or after the date of enactment of this section, a taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's gross income tax refund or an enclosed contribution be deposited in the ALS Association Support Fund and used in accordance with this section.

c. The costs incurred by the Division of Taxation for collection or administration attributable to the ALS Association Support Fund may be deducted from contributions collected pursuant to this section, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this section into the ALS Association Support Fund.

d. The Legislature shall annually appropriate the moneys deposited in the ALS Association Support Fund established pursuant to subsection a. of this section to the ALS Association to provide support services to New Jersey residents as follows: 50 percent of the amounts deposited in the fund shall be appropriated to the Greater Philadelphia Chapter of the ALS Association serving residents in southern New Jersey and 50 percent shall be appropriated to the Greater New York Chapter of the ALS Association serving residents in central and northern New Jersey.

2. This act shall take effect immediately.

Approved December 11, 2014.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1969, c.232 (C.14A:17-3) is amended to read as follows:

C.14A:17-3 Terms defined.

3. Terms defined. As used in this act, the following words shall have the meanings indicated:

(1) "Professional service" shall mean any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and which prior to the passage of this act and by reason of law could not be performed by a corporation. By way of example and without limiting the generality thereof, the personal services which come within the provisions of this act are the personal services rendered by certified public accountants, architects, optometrists, ophthalmic dispensers and technicians, professional engineers, land surveyors, land planners, chiropractors, physical therapists, registered professional nurses, psychologists, dentists, osteopaths, physicians and surgeons, doctors of medicine, doctors of dentistry, podiatrists, veterinarians and, subject to the Rules of the Supreme Court, attorneys-at-law;

(2) "Professional corporation" means a corporation which is organized under this act for the sole and specific purpose of rendering the same or closely allied professional service as its shareholders, each of whom must be licensed or otherwise legally authorized within this State to render such professional service;

(3) "Closely allied professional service" means and is limited to the practice of (a) architecture, professional engineering, land surveying and land planning and (b) any branch of medicine and surgery, optometry, opticianry, physical therapy, registered professional nursing, psychology, and dentistry;

(4) "Domestic professional legal corporation" means a professional corporation incorporated under P.L.1969, c.232 (C.14A:17-1 et seq.) for the sole purpose of rendering legal services of the type provided by attorneys-at-law;

(5) "Foreign professional legal corporation" means a corporation incorporated under the laws of another state for the purpose of rendering legal services of the type provided by attorneys-at-law.

2. This act shall take effect immediately.

Approved December 11, 2014.

(1) a one-time application to be used for determining eligibility for services from the Division of Children's System of Care and the Division of Developmental Disabilities; and

(2) consent for authorizing release of information on the application about an individual with a developmental disability to the Division of Developmental Disabilities at the time services are requested from the Division of Developmental Disabilities for the individual.

b. The Division of Developmental Disabilities may request updated or additional information on specific developmental delays or medically diagnosed mental or physical conditions of an individual with a developmental disability that is necessary to determine eligibility of the individual for the specific services requested.

C.30:4-25.21 Cooperative agreements.

2. The Department of Human Services and the Department of Children and Families shall enter into cooperative agreements with each other as necessary to effectuate the purposes of this act.

C.30:4-25.22 Construction of act relative to P.L.2012, c.16.

3. Nothing in this act shall be construed to preempt any provision of P.L.2012, c.16.

C.30:4-25.23 Construction of act.

4. Nothing in this act shall be construed to eliminate or otherwise affect the need of the Division of Developmental Disabilities to require the completion of the New Jersey Comprehensive Assessment Tool prior to the receipt of adult services or to conduct any ongoing assessment as needed to comply with federal requirements, quality monitoring, and any other State or federal laws, regulations, or policies.

5. This act shall take effect on the first day of the 13th month next following the date of enactment.

Approved December 11, 2014.

CHAPTER 79

AN ACT permitting the incorporation of psychologists and amending P.L.1969, c.232.

ditions the exercise of indemnification powers by the corporation or the rights of indemnification to which a corporate agent may be entitled.

(12) This section does not limit a corporation's power to pay or reimburse expenses incurred by a corporate agent in connection with the corporate agent's appearance as a witness in a proceeding at a time when the corporate agent has not been made a party to the proceeding.

(13) A right to indemnification or to advancement of expenses in favor of an officer or director pursuant to a corporation's certificate of incorporation or bylaws shall not be eliminated or impaired by an amendment to the certificate of incorporation or bylaws after the occurrence of an act or omission that is the subject of a civil, criminal, administrative or investigative action, suit or proceeding for which indemnification or advancement of expenses is sought, unless the certificate of incorporation or bylaws in effect at the time of the act or omission explicitly authorizes that elimination or impairment after the action or omission has occurred.

2. This act shall take effect immediately.

Approved December 11, 2014.

CHAPTER 78

AN ACT concerning eligibility of individuals with developmental disabilities and supplementing Title 30 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.30:4-25.20 Single process for determining eligibility for services for individuals with developmental disabilities.

1. a. The Division of Developmental Disabilities in the Department of Human Services, in collaboration with the Division of Children's System of Care in the Department of Children and Families, shall develop a single process for determining eligibility from the two divisions for services for individuals with developmental disabilities who are 18 years of age or over and for individuals who are under 18 years of age, in any case in which the two divisions mutually determine that a single process is clinically appropriate. The process, at a minimum, shall provide for:

The application shall set forth the disposition of any previous application for indemnification and shall be made in such manner and form as may be required by the applicable rules of court or, in the absence thereof, by direction of the court to which it is made. Such application shall be upon notice to the corporation. The court may also direct that notice shall be given at the expense of the corporation to the shareholders and such other persons as it may designate in such manner as it may require.

(8) The indemnification and advancement of expenses provided by or granted pursuant to the other subsections of this section shall not exclude any other rights, including the right to be indemnified against liabilities and expenses incurred in proceedings by or in the right of the corporation, to which a corporate agent may be entitled under a certificate of incorporation, bylaw, agreement, vote of shareholders, or otherwise; provided that no indemnification shall be made to or on behalf of a corporate agent if a judgment or other final adjudication adverse to the corporate agent establishes that his acts or omissions (a) were in breach of his duty of loyalty to the corporation or its shareholders, as defined in subsection (3) of N.J.S.14A:2-7, (b) were not in good faith or involved a knowing violation of law or (c) resulted in receipt by the corporate agent of an improper personal benefit.

(9) Any corporation organized for any purpose under any general or special law of this State shall have the power to purchase and maintain insurance on behalf of any corporate agent against any expenses incurred in any proceeding and any liabilities asserted against him by reason of his being or having been a corporate agent, whether or not the corporation would have the power to indemnify him against such expenses and liabilities under the provisions of this section. The corporation may purchase such insurance from, or such insurance may be reinsured in whole or in part by, an insurer owned by or otherwise affiliated with the corporation, whether or not such insurer does business with other insureds.

(10) The powers granted by this section may be exercised by the corporation, notwithstanding the absence of any provision in its certificate of incorporation or bylaws authorizing the exercise of such powers.

(11) Except as required by subsection 14A:3-5(4), no indemnification shall be made or expenses advanced by a corporation under this section, and none shall be ordered by a court, if such action would be inconsistent with a provision of the certificate of incorporation, a bylaw, a resolution of the board of directors or of the shareholders, an agreement or other proper corporate action, in effect at the time of the accrual of the alleged cause of action asserted in the proceeding, which prohibits, limits or otherwise con-

the applicable standard of conduct set forth in subsection 14A:3-5(2) or subsection 14A:3-5(3). Unless otherwise provided in the certificate of incorporation or bylaws, such determination shall be made

(a) by the board of directors or a committee thereof, acting by a majority vote of a quorum consisting of directors who were not parties to or otherwise involved in the proceeding; or

(b) if such a quorum is not obtainable, or, even if obtainable and such quorum of the board of directors or committee by a majority vote of the disinterested directors so directs, by independent legal counsel, in a written opinion, such counsel to be designated by the board of directors; or

(c) by the shareholders if the certificate of incorporation or bylaws or a resolution of the board of directors or of the shareholders so directs.

(6) Expenses incurred by a corporate agent in connection with a proceeding may be paid by the corporation in advance of the final disposition of the proceeding upon receipt of an undertaking by or on behalf of the corporate agent to repay such amount if it shall ultimately be determined that he is not entitled to be indemnified as provided in this section.

(7) (a) If a corporation upon application of a corporate agent has failed or refused to provide indemnification as required under subsection 14A:3-5(4) or permitted under subsections 14A:3-5(2), 14A:3-5(3) and 14A:3-5(6), a corporate agent may apply to a court for an award of indemnification by the corporation, and such court

(i) may award indemnification to the extent authorized under subsections 14A:3-5(2) and 14A:3-5(3) and shall award indemnification to the extent required under subsection 14A:3-5(4), notwithstanding any contrary determination which may have been made under subsection 14A:3-5(5); and

(ii) may allow reasonable expenses to the extent authorized by, and subject to the provisions of, subsection 14A:3-5(6), if the court shall find that the corporate agent has by his pleadings or during the course of the proceeding raised genuine issues of fact or law.

(b) Application for such indemnification may be made

(i) in the civil action in which the expenses were or are to be incurred or other amounts were or are to be paid; or

(ii) to the Superior Court in a separate proceeding. If the application is for indemnification arising out of a civil action, it shall set forth reasonable cause for the failure to make application for such relief in the action or proceeding in which the expenses were or are to be incurred or other amounts were or are to be paid.

believed to be in the interest of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the corporation" as referred to in this section.

(2) Any corporation organized for any purpose under any general or special law of this State shall have the power to indemnify a corporate agent against his expenses and liabilities in connection with any proceeding involving the corporate agent by reason of his being or having been such a corporate agent, other than a proceeding by or in the right of the corporation, if

(a) such corporate agent acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation; and

(b) with respect to any criminal proceeding, such corporate agent had no reasonable cause to believe his conduct was unlawful. The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not of itself create a presumption that such corporate agent did not meet the applicable standards of conduct set forth in paragraphs 14A:3-5(2)(a) and 14A:3-5(2)(b).

(3) Any corporation organized for any purpose under any general or special law of this State shall have the power to indemnify a corporate agent against his expenses in connection with any proceeding by or in the right of the corporation to procure a judgment in its favor which involves the corporate agent by reason of his being or having been such corporate agent, if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation. However, in such proceeding no indemnification shall be provided in respect of any claim, issue or matter as to which such corporate agent shall have been adjudged to be liable to the corporation, unless and only to the extent that the Superior Court or the court in which such proceeding was brought shall determine upon application that despite the adjudication of liability, but in view of all circumstances of the case, such corporate agent is fairly and reasonably entitled to indemnity for such expenses as the Superior Court or such other court shall deem proper.

(4) Any corporation organized for any purpose under any general or special law of this State shall indemnify a corporate agent against expenses to the extent that such corporate agent has been successful on the merits or otherwise in any proceeding referred to in subsections 14A:3-5(2) and 14A:3-5(3) or in defense of any claim, issue or matter therein.

(5) Any indemnification under subsection 14A:3-5(2) and, unless ordered by a court, under subsection 14A:3-5(3) may be made by the corporation only as authorized in a specific case upon a determination that indemnification is proper in the circumstances because the corporate agent met

CHAPTER 77

AN ACT concerning indemnification of corporate agents and amending N.J.S.14A:3-5.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.14A:3-5 is amended to read as follows:

Indemnification of directors, officers and employees.

14A:3-5. Indemnification of directors, officers and employees.

(1) As used in this section,

(a) "Corporate agent" means any person who is or was a director, officer, employee or agent of the indemnifying corporation or of any constituent corporation absorbed by the indemnifying corporation in a consolidation or merger and any person who is or was a director, officer, trustee, employee or agent of any other enterprise, serving as such at the request of the indemnifying corporation, or of any such constituent corporation, or the legal representative of any such director, officer, trustee, employee or agent;

(b) "Other enterprise" means any domestic or foreign corporation, other than the indemnifying corporation, and any partnership, joint venture, sole proprietorship, trust or other enterprise, whether or not for profit, served by a corporate agent;

(c) "Expenses" means reasonable costs, disbursements and counsel fees;

(d) "Liabilities" means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties;

(e) "Proceeding" means any pending, threatened or completed civil, criminal, administrative or arbitrative action, suit or proceeding, and any appeal therein and any inquiry or investigation which could lead to such action, suit or proceeding; and

(f) References to "other enterprises" include employee benefit plans; references to "fines" include any excise taxes assessed on a person with respect to an employee benefit plan; and references to "serving at the request of the indemnifying corporation" include any service as a corporate agent which imposes duties on, or involves services by, the corporate agent with respect to an employee benefit plan, its participants, or beneficiaries; and a person who acted in good faith and in a manner the person reasonably

(3) Development of professional education programs for health care providers to assist them in understanding research findings and the subjects set forth in paragraph (1) of this subsection;

(4) Development of educational programs for other personnel, including judicial staff, police officers, fire fighters, and social services and emergency medical service providers, to assist them in recognizing the symptoms of Parkinson's disease and understanding how to respond to the needs of persons with the disease in the course of performing their duties, including dissemination of the informational booklet prepared pursuant to section 5 of this act; and

(5) Development and maintenance of a list of current providers of specialized services for the diagnosis and treatment of Parkinson's disease. Dissemination of the list shall be accompanied by a description of diagnostic procedures, appropriate indications for their use, and a cautionary statement about the current status of Parkinson's disease research and treatment. The statement shall also indicate that the department does not endorse specific Parkinson's disease programs or centers in this State.

C.26:2RR-5 Dissemination of information relative to Parkinson's disease.

5. The department, in consultation with the New Jersey Chapter of the American Parkinson Disease Association and the Movement Disorders Center at the Robert Wood Johnson University Medical Group, Rutgers Robert Wood Johnson Medical School, shall prepare, and make available on the department's Internet website, in English and Spanish, and in a manner that is easily understandable by a patient or other non-health care professional, information about the symptoms and treatment of Parkinson's disease and any other information that the commissioner deems to be necessary. This information may be revised by the department whenever new information about Parkinson's disease becomes available.

C.26:2RR-6 Rules, regulations.

6. The Commissioner of Health, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt rules and regulations to effectuate the purposes of this act.

7. This act shall take effect on the 180th day following enactment, except that the Commissioner of Health may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved December 11, 2014.

issue a proclamation calling upon the public officials and citizens of the State to observe this month with appropriate activities and programs;

l. Increased public awareness and education are needed among health care, social services, judicial, law enforcement, and emergency medical services personnel in order to better respond to the needs of Parkinson's disease patients and their caregivers and families; and

m. It is imperative for New Jersey to commit itself to actively support such public awareness and education efforts throughout the State in order to better meet the needs of its citizens who are suffering from Parkinson's disease.

C.26:2RR-3 Definitions relative to Parkinson's disease.

3. As used in this act:

"Commissioner" means the Commissioner of Health.

"Department" means the Department of Health.

"Program" means the Parkinson's disease public awareness and education program established pursuant to this act.

C.26:2RR-4 Parkinson's disease public awareness and education program.

4. The Commissioner of Health, subject to available appropriations, shall establish a Parkinson's disease public awareness and education program.

a. The purpose of the program shall be to promote public awareness of Parkinson's disease and the value of early detection and possible treatments, including the benefits and risks of those treatments. The Department of Health may accept, for that purpose, any special grant of monies, services, or property from the federal government or any of its agencies, or from any foundation, organization, or medical school.

b. The program shall include the following:

(1) Development of a public education and outreach campaign to promote Parkinson's disease awareness and education, including, but not limited to, the following subjects:

(a) the cause and nature of the disease;

(b) diagnostic procedures and appropriate indications for their use;

(c) lifestyle issues relating to how a person copes with Parkinson's disease, including, but not limited to, nutrition, diet, and physical exercise;

(d) environmental safety and injury prevention; and

(e) availability of Parkinson's disease diagnostic and treatment services in the community;

(2) Development of educational materials to be made available to consumers through local boards of health, physicians, hospitals, and clinics;

C.26:2RR-1 Short title.

1. This act shall be known and may be cited as the "Parkinson's Disease Public Awareness and Education Act."

C.26:2RR-2 Findings, declarations relative to Parkinson's disease.

2. The Legislature finds and declares that:

a. Parkinson's disease is a debilitating, painful, and incurable neurological disorder of unknown origin that disrupts and can end the lives of those who suffer from it;

b. Parkinson's disease causes diverse symptoms, including rigidity, slowness of movement, poor balance, and tremors, which lead to an impaired ability to walk, speak, swallow, and even breathe, so that the end result can be a clear mind trapped inside a body that has lost its ability to function;

c. The visible symptoms of Parkinson's disease are often mistaken to be a normal part of the aging process;

d. In addition, many people with the disease encounter precarious legal and personal situations in which they are erroneously thought to be under the influence of illegal or prescription drugs or alcohol due to their movement and gait patterns;

e. Parkinson's disease takes an enormous emotional, psychological, and physical toll on caregivers and families, potentially overwhelming their lives;

f. It has been estimated that 1.5 million Americans have been diagnosed with Parkinson's disease, 50,000 more are diagnosed nationally each year, and another 1.5 million persons have the disease but have never seen a neurologist;

g. Parkinson's disease costs Americans $25 billion per year, including medical treatments, disability payments, and lost productivity;

h. Medications can only control some of the symptoms of the disease and only for uncertain periods of time;

i. New Jersey, with the largest concentration of pharmaceutical companies of any state in the nation and its top academic research facilities, is a center for Parkinson's disease research and treatment;

j. The "Morris K. Udall Parkinson's Disease Research Act of 1997," Pub.L.105-78, provides federal funding through the National Institutes of Health for Parkinson's disease, and April 11 has been proclaimed to be World Parkinson's Day in order to recognize the need for more research and help in dealing with the devastating effects of this disease;

k. This State, through the enactment of Joint Resolution No. 17 on January 7, 2000, has designated April in each year as "Parkinson's Disease Awareness Month" in New Jersey, and directs the Governor to annually

f. This type of public-private partnership is a desirable mechanism to address the needed expansion of career and technical education programs and would give students access to equipment and technology that is expensive or difficult to replicate in public school district settings; and

g. In order to facilitate this worthwhile partnership, career and technical education programs taught in industry settings should be exempted from certain unnecessarily restrictive State regulations.

C.18A:54-31.2 Career, technical education programs exempt from certain regulations.

2. a. Notwithstanding the provisions of any law or regulation to the contrary, in the case of a career and technical education program of a school district which has been approved by the Department of Education and is taught at a location other than the school district:

(1) The educational facility standards for new construction pursuant to N.J.A.C.6A:26-6.3 shall not apply to the location at which the career and technical education program is taught;

(2) The location at which the career and technical education program is taught shall not require approval as a temporary facility pursuant to N.J.A.C.6A:26-8.1; and

(3) The long range facilities plan of the school district shall not be required to take into consideration any career and technical education programs taught at a location other than the school district.

b. The location at which the career and technical education program is taught shall meet the requirements of the uniform construction code and all applicable health and safety standards.

3. This act shall take effect immediately.

Approved December 3, 2014.

CHAPTER 76

AN ACT concerning Parkinson's disease and supplementing Title 26 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Sections 1 through 7 of P.L.1986, c.193 (C.18A:61C-4 through C.18A:61C-9).

6. This act shall take effect in the 2015-2016 school year.

Approved December 3, 2014.

CHAPTER 75

AN ACT concerning school districts and supplementing Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:54-31.1 Findings, declarations relative to certain programs of a school district.

1. The Legislature finds and declares that:

a. The economic prosperity of New Jersey depends on a strong pipeline of workers with the academic, technical, and career readiness skills to fill current and future jobs;

b. Expanding access to career and technical education and engaging employers in the development and delivery of technical education are crucial for the State's economic growth and critical strategies for keeping New Jersey competitive in the global economy;

c. While almost 32,000 full-time and shared-time students are currently enrolled at New Jersey's county vocational school districts, the demand for a career and technical education exceeds the space available at most schools;

d. On a Statewide basis, county vocational school districts receive nearly 2.5 applications for each available space, and in some counties, and for certain programs, the demand is much greater. In 2013, roughly 16,700 students seeking career and technical education programs were not able to be accommodated;

e. Given the immediate shortage of space for career and technical education program expansion, employers can play a significant role in helping to meet short-term needs by hosting career and technical education programs in an industry setting and offering work-based learning opportunities for students;

(3) a description of the process by which a student and his parent or guardian exercise the option to participate in the dual enrollment program;

(4) a provision ensuring that any dual enrollment course taught on the high school campus is equivalent in rigor to courses taught on the campus of the institution of higher education;

(5) a description of the process by which a student and his parent or guardian are informed about opportunities for student participation in the dual enrollment program; and

(6) such other items as deemed appropriate by the Commissioner of Education and the Secretary of Higher Education.

C.18A:61C-11 Acceptance of course credit.

2. A public institution of higher education shall accept the course credit of a student who successfully completes a course under the dual enrollment program.

C.18A:61C-12 Annual joint report to Governor, Legislature.

3. The Commissioner of Education and the Secretary of Higher Education shall submit annually a joint report to the Governor and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on dual enrollment programs in the State. The report shall include, but need not be limited to: information related to the utilization of dual enrollment programs throughout the State, including information specific to the income-level and location within the State of participating students; the effect dual enrollment programs have on reducing the average time-to-degree completion and increasing the likelihood of college graduation for participating students; an analysis of the rigor of the courses taken pursuant to the dual enrollment program; and recommendations for any suggested changes to the dual enrollment program.

C.18A:61C-13 Rules, regulations.

4. The State Board of Education and the Secretary of Higher Education each shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this act.

Repealer.

5. The following sections are repealed:

Sections 1 and 3 of P.L.1986, c.194 (C.18A:61C-1 and C.18A:61C-3); and

lished under the grant program, the number of students who completed the career and technical education partnership programs established under the grant program, the costs and any savings realized through the sharing of facilities under the grant program, and a recommendation on the establishment of a permanent source of funding for such career and technical education partnership programs.

4. This act shall take effect immediately.

Approved December 3, 2014.

CHAPTER 74

AN ACT concerning dual enrollment programs, supplementing chapter 61C of Title 18A of the New Jersey Statutes, and repealing P.L.1986, c.193 and P.L.1986, c.194.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:61C-10 Dual enrollment agreement.

1. a. A school district with a high school may enter into a dual enrollment agreement with one or more public institutions of higher education.

b. A public institution of higher education, other than a State college which generally limits enrollment in its undergraduate programs to persons who are at least 21 years of age, shall enter into a dual enrollment agreement with one or more school districts with a high school.

c. A dual enrollment agreement between a public institution of higher education and a school district shall delineate the dual enrollment program pursuant to which instruction is provided to high school students through courses offered by the institution of higher education on its campus or on the campus of the public high school for college credit or credit toward a career certificate.

d. The dual enrollment agreement shall include:

(1) a description of the courses available to students eligible to participate in the dual enrollment program;

(2) a description of the student eligibility requirements for initial and continuing participation in the dual enrollment program, which shall include a provision that ensures that an eligible student is not excluded from participation because of an inability to pay;

(1) a description of the career and technical education partnership program to be developed with the grant funding;

(2) a description of the partnership with the school district, county college, or other entity that will host the program including, but not limited to, the responsibilities of each partner for providing education and support services to students and teacher supervision and professional development;

(3) a description of any partnerships with local employers that will support the proposed career and technical education partnership program by advising on curriculum, offering work-based learning opportunities, providing equipment or resources, or other assistance;

(4) the number of students that could be accommodated in the career and technical education partnership program over each of the four years of the grant program and in future years;

(5) the projected demand for the career and technical education partnership program;

(6) an explanation of whether the proposed partnership will replicate an existing approved career and technical education program at the county vocational school, or if new approval will be sought;

(7) the location of the facility in which the partnership program will be located and whether the location is conducive to serving the populations targeted by the career and technical education partnership program;

(8) the estimated start-up and initial operational costs of the proposed partnership program, including the cost of any facility repairs or modification, equipment and supplies, curriculum development and materials, and professional salaries;

(9) an explanation of why the facilities of the county vocational school district could not accommodate the new career and technical education program;

(10) the plan to sustain the career and technical education partnership program beyond the period of grant funding using other State, federal, and local resources; and

(11) any other information that the commissioner deems appropriate.

C.18A:6-134 Report to Governor, Legislature.

3. The commissioner shall submit a report to the Governor, and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), four years after the establishment of the County Vocational School District Partnership Grant Program. The report shall include, but need not be limited to, information on the number of grant applicants, the number of grant awards, the number of career and technical education partnership programs estab-

C.18A:26-2.17 Rules, regulations.

3. The State Board of Education shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

4. This act shall take effect immediately.

Approved December 3, 2014.

CHAPTER 73

AN ACT establishing a County Vocational School District Partnership Grant Program in the Department of Education and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:6-132 County Vocational District Partnership Grant Program.

1. The Commissioner of Education shall develop and administer a four-year County Vocational School District Partnership Grant Program. The purpose of the program shall be to award grants to county vocational school districts to partner with urban districts, other school districts, county colleges, and other entities to create high-quality career and technical education programs in existing facilities. The commissioner shall consult with the New Jersey Council of County Vocational Schools and employer representatives regarding the design of the grant program.

C.18A:6-133 Awarding of grants.

2. a. The commissioner shall award grants, within the limit of available State appropriations, to selected county vocational school districts to be used to support the development and implementation of a career and technical education program in an existing school or college facility that is not owned or leased by the county vocational school district. The commissioner shall determine the amount of each grant awarded under the program and may award multi-year grants.

b. A county vocational school district that wants to apply for a grant shall submit an application to the commissioner. The application shall include:

2. This act shall take effect immediately and shall first be applicable to the School Report Card issued by the Commissioner of Education for the 2015-2016 school year.

Approved December 3, 2014.

CHAPTER 72

AN ACT concerning teacher and school counselor preparation programs and supplementing chapter 26 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:26-2.15 Programming to improve student career readiness.

1. a. Beginning with the 2015-2016 school year, a regionally-accredited institution of higher education offering a teacher preparation program for a New Jersey instructional certificate shall incorporate programming, which is curricula encompassing coursework or practical and clinical studies, or a combination thereof, to improve student career readiness. The programming shall include, but need not be limited to, employability skills, career awareness, and understanding career and technical education.

b. Beginning with the 2015-2016 school year, the preparation program for any person seeking an instructional certificate through the State's alternate route program shall include programming to improve student career readiness. The programming shall include, but need not be limited to, employability skills, career awareness, and understanding career and technical education.

C.18A:26-2.16 Eligibility for standard educational services certificate with school counselor endorsement.

2. Beginning with the 2015-2016 school year, in order to be eligible for the standard educational services certificate with a school counselor endorsement, a candidate shall satisfactorily complete programming to improve student career readiness. The programming shall include, but need not be limited to, employability skills, career awareness, and understanding career and technical education.

C.18A:7E-3 Report card information.

3. Report cards issued pursuant to section 2 of this act shall include, but not be limited to, the following information for:

a. the school district and for each school within the district, as appropriate:

(1) results of the elementary assessment programs;

(2) results of the Early Warning Test;

(3) results of the High School Proficiency Test;

(4) daily attendance records for students and professional staff;

(5) student graduation and dropout rates;

(6) annual student scores on the Scholastic Aptitude Test;

(7) total student enrollment, percentage of limited English proficient students, percentage of students in advanced placement courses, and any other school characteristics which the commissioner deems appropriate;

(8) instructional resources including teacher/student ratio, average class size and amount of instructional time per day, as calculated by formulas specified by the commissioner;

(9) a written narrative by the school principal or a designee which describes any special achievements, events, problems or initiatives of the school or district;

(10) data identifying the number and nature of all reports of harassment, intimidation, or bullying; and

(11) indicators of student career readiness; and

b. the school district, as appropriate:

(1) per pupil expenditures and State aid ratio;

(2) percent of budget allocated for salaries and benefits of administrative personnel;

(3) percent of budget allocated for salaries and benefits of teachers;

(4) percentage increase over the previous year for salaries and benefits of administrative and instructional personnel;

(5) the number of administrative personnel and the ratio of administrative personnel to instructional personnel;

(6) a profile of the most recent graduating class concerning their educational or employment plans following graduation; and

(7) any other information which the commissioner deems appropriate.

For the purposes of this section, the Commissioner of Education shall establish a uniform methodology for the reporting of the data concerning administrative personnel on a full-time equivalent basis.

native benefit payments, or any other limitation, or services not reimbursable due to the dentist's failure to comply with a provision of the dentist's participating provider agreement or the dental plan.

"Dental plan" means a benefits plan which pays or provides dental expense benefits for covered services and is delivered or issued for delivery in this State by or through a carrier either on a stand-alone basis or as part of other coverage including, but not limited to, health benefits coverage.

C.26:2S-27 Covered services.

2. Notwithstanding section 22 of P.L.1993, c.162 (C.17B:27A-54) or any other law or regulation to the contrary, a contract between a carrier and a dentist to provide covered services shall not require, directly or indirectly, that a dentist provide services to a covered person at a fee set by, or at a fee subject to the approval of, the carrier unless the dental services are a covered service under the person's dental plan.

C.26:2S-28 Rules, regulations.

3. The Commissioner of Banking and Insurance shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act.

4. This act shall take effect immediately and shall apply to contracts entered into or renewed on or after the effective date of this act.

Approved November 28, 2014.

CHAPTER 71

AN ACT concerning the New Jersey School Report Card and amending P.L.1995, c.235.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1995, c.235 (C.18A:7E-3) is amended to read as follows:

The driver of a vehicle may overtake and pass another vehicle upon the right as provided in this section only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

7. R.S.39:4-87 is amended to read as follows:

Overtaken vehicle to give way.

39:4-87. The driver of a vehicle on a highway, about to be overtaken and passed by another vehicle, approaching from the rear, shall give way to the right in favor of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

8. This act shall take effect immediately.

Approved November 28, 2014.

CHAPTER 70

AN ACT concerning certain dental benefit plans and supplementing P.L.1997, c.192 (C:26:2S-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2S-26 Definitions relative to certain dental benefit plans.

1. As used in this act:

"Carrier" means an insurance company, health service corporation, hospital service corporation, medical service corporation, dental service corporation, dental plan organization, or health maintenance organization, authorized to issue dental plans in this State.

"Covered person" means a person on whose behalf a carrier offering a dental plan is obligated to pay benefits for or provide dental services pursuant to the plan.

"Covered service" means a dental care service for which a reimbursement is available under a covered person's dental plan, or for which a reimbursement would be available but for the application of contractual limitations including, but not limited to, deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alter-

R.S.15:11-7 and R.S.15:11-8 are saved from repeal. These sections deal with land acquisition rights of certain nonprofit corporations created for educational purposes, including the power to acquire by condemnation;

R.S.15:13-3 is saved from repeal. This section deals with the taxability of patriotic societies;

P.L.1969, c.291 (C.15:11-4.1) is saved from repeal. This section deals with trustees of certain colleges and universities created by special charter and authorizes the appointment or election of additional members to the board of trustees;

P.L.1975, c.26, ss.1 to 10 (C.15:18-15 to C.15:18-24 inclusive) are saved from repeal. These sections enacted the "Uniform Management of Institutional Funds Act";

P.L.1971, c.337, ss.1 to 6 (C.15:19-1 to C.15:19-6 inclusive) are saved from repeal. These sections deal with private foundations and split interest trusts as defined by the Internal Revenue Code of 1954, as amended and supplemented.

5. R.S.26:4-94 is amended to read as follows:

Penalties; recovery.

26:4-94. Any person who violates any of the provisions of this article, or any notice served thereunder, shall be liable to a penalty of five dollars ($5.00) for the first offense, and not less than five dollars ($5.00) nor more than fifty dollars ($50.00) for each subsequent offense, to be recovered in a civil action brought by and in the name of the State Department or a local board. Penalties hereunder shall be enforced and collected pursuant to sections 26:3-72, 26:3-77 and 26:3-78 of the Revised Statutes.

6. R.S.39:4-85 is amended to read as follows:

Passing to left when overtaking; passing when in lines; passing on right.

39:4-85. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. If vehicles on the roadway are moving in two or more substantially continuous lines, the provisions of this paragraph and section 39:4-87 of this Title shall not be considered as prohibiting the vehicles in one line overtaking and passing the vehicles in another line either upon the right or left, nor shall those provisions be construed to prohibit drivers overtaking and passing upon the right another vehicle which is making or about to make a left turn.

4. N.J.S.15A:16-1 is amended to read as follows:

Acts saved from repeal.

15A:16-1. The following are saved from repeal:

R.S.15:1-6 is saved from repeal. This section deals with specially incorporated boards of trade;

R.S.15:1-23 is saved from repeal. This section preserves certain nonprofit corporations in existence prior to July 4, 1898;

R.S.15:5-1 to R.S.15:5-7 inclusive are saved from repeal. These sections provide for a procedure for owners to drain swamp and meadow grounds and provide assessments for their drainage;

"An act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed November 29, 1788, together with all amendments and supplements thereto which were saved from repeal by R.S.15:5-8 is saved from repeal;

P.L.1957, c.201 (C.15:5-8(58)) is saved from repeal. This act supplements "An act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed November 29, 1788;

P.L.1880, c.163, entitled "An act for incorporation of companies for draining and improving meadows and lands overflowed by tide water," together with the supplements thereto, saved from repeal by R.S.15:5-9, is saved from repeal;

"An act to enable two-thirds of the owners in value of any body or tract of salt marsh or meadow, within this State, using a common road to the fast land, to support the same," passed November 18, 1822 together with the supplement thereto, saved from repeal by R.S.15:5-10, is saved from repeal;

P.L.1881, c.146, entitled "An act to enable the owners of any island, or part thereof, to improve the same and to protect the same from damage by high tides," saved from repeal by R.S.15:5-11, is saved from repeal;

R.S.15:8-4 is saved from repeal. This section provides for the appointment by a volunteer fire company of members to perform police duties, their qualifications, and their power to arrest offenders;

R.S.15:8-5 is saved from repeal. This section provides for the issuance of exempt certificates to volunteer firemen on establishment of a paid fire department;

R.S.15:8-7 is saved from repeal. This section provides for disposition of accumulated fire department funds on expiration of the charter of the volunteer fire department;

(7) Criminal mischief is a crime of the third degree if the actor purposely or knowingly causes a substantial interruption or impairment of public communication, transportation, supply of water, oil, gas or power, or other public service. Criminal mischief is a crime of the second degree if the substantial interruption or impairment recklessly causes death.

(8) Criminal mischief is a crime of the fourth degree if the actor purposely or knowingly breaks, digs up, obstructs or otherwise tampers with any pipes or mains for conducting gas, oil or water, or any works erected for supplying buildings with gas, oil or water, or any appurtenances or appendages therewith connected, or injures, cuts, breaks down, destroys or otherwise tampers with any electric light wires, poles or appurtenances, or any telephone, telecommunications, cable television or telegraph wires, lines, cable or appurtenances.

c. A person convicted of an offense of criminal mischief that involves an act of graffiti may, in addition to any other penalty imposed by the court, be required to pay to the owner of the damaged property monetary restitution in the amount of the pecuniary damage caused by the act of graffiti and to perform community service, which shall include removing the graffiti from the property, if appropriate. If community service is ordered, it shall be for either not less than 20 days or not less than the number of days necessary to remove the graffiti from the property.

d. As used in this section:

"Act of graffiti" means the drawing, painting or making of any mark or inscription on public or private real or personal property without the permission of the owner.

e. A person convicted of an offense of criminal mischief that involves the damaging or destroying of a rental premises by a tenant in retaliation for institution of eviction proceedings, may, in addition to any other penalty imposed by the court, be required to pay to the owner of the property monetary restitution in the amount of the pecuniary damage caused by the damage or destruction.

3. Section 7 of P.L.1995, c.251 (C.2C:33-24) is amended to read as follows:

"Act of graffiti."

2C:33-24. As used in this chapter, "act of graffiti" means the drawing, painting or making any mark or inscription on public or private real or personal property without the permission of the owner.

(1) Purposely or knowingly damages tangible property of another or damages tangible property of another recklessly or negligently in the employment of fire, explosives or other dangerous means listed in subsection a. of N.J.S.2C:17-2; or

(2) Purposely, knowingly or recklessly tampers with tangible property of another so as to endanger person or property, including the damaging or destroying of a rental premises by a tenant in retaliation for institution of eviction proceedings.

b. Grading. (1) Criminal mischief is a crime of the third degree if the actor purposely or knowingly causes pecuniary loss of $2,000.00 or more.

(2) Criminal mischief is a crime of the fourth degree if the actor causes pecuniary loss in excess of $500.00 but less than $2000.00. It is a disorderly persons offense if the actor causes pecuniary loss of $500.00 or less.

(3) Criminal mischief is a crime of the third degree if the actor damages, defaces, eradicates, alters, receives, releases or causes the loss of any research property used by the research facility, or otherwise causes physical disruption to the functioning of the research facility. The term "physical disruption" does not include any lawful activity that results from public, governmental, or research facility employee reaction to the disclosure of information about the research facility.

(4) Criminal mischief is a crime of the fourth degree if the actor damages, removes or impairs the operation of any device, including, but not limited to, a sign, signal, light or other equipment, which serves to regulate or ensure the safety of air traffic at any airport, landing field, landing strip, heliport, helistop or any other aviation facility; however, if the damage, removal or impediment of the device recklessly causes bodily injury or damage to property, the actor is guilty of a crime of the third degree, or if it recklessly causes a death, the actor is guilty of a crime of the second degree.

(5) Criminal mischief is a crime of the fourth degree if the actor interferes or tampers with any airport, landing field, landing strip, heliport, helistop or any other aviation facility; however if the interference or tampering with the airport, landing field, landing strip, heliport, helistop or other aviation facility recklessly causes bodily injury or damage to property, the actor is guilty of a crime of the third degree, or if it recklessly causes a death, the actor is guilty of a crime of the second degree.

(6) Criminal mischief is a crime of the third degree if the actor tampers with a grave, crypt, mausoleum or other site where human remains are stored or interred, with the purpose to desecrate, destroy or steal such human remains or any part thereof.

CHAPTER 69

AN ACT concerning anachronistic, superseded, or invalidated statutory provisions, and amending and repealing various sections of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Repealer.

1. The following sections are repealed:
N.J.S.2A:82-20 through N.J.S.2A:82-22;
Section 8 of P.L.1995, c.251 (C.2C:33-25);
N.J.S.2C:40-2;
R.S.4:21-11 through R.S.4:21-13;
R.S.15:4-1 through R.S.15:4-4;
R.S.23:4-54;
R.S.26:4-10 and R.S.26:4-11;
R.S.26:4-42 through R.S.26:4-45;
R.S.26:4-50 through R.S.26:4-53;
R.S.26:4-57;
R.S.26:4-90 through R.S.26:4-92;
R.S.30:8-5 and R.S.30:8-6;
R.S.30:8-14;
R.S.30:8-35 and R.S.30:8-36;
R.S.30:9-28;
R.S.30:9-35 through R.S.30:9-38;
Section 2 of P.L.1946, c.223 (C.30:9-38.1);
R.S.30:9-39 through R.S.30:9-44;
Sections 1 and 2 of P.L.1950, c.242 (C.30:9-44.1 and C.30:9-44.2);
Section 2 of P.L.1953, c.148 (C.30:9-44.3);
R.S.30:9-61 through R.S.30:9-81;
R.S.30:9-85 and R.S.30:9-86;
N.J.S.40A:9-60 through N.J.S.40A:9-62;
R.S.48:18A-1 through R.S.48:18A-4; and
Sections 1 through 17 of P.L.1948, c.188 (C.56:7-1 through C.56:7-17).

2. N.J.S.2C:17-3 is amended to read as follows:

Criminal mischief.

2C:17-3. a. Offense defined. A person is guilty of criminal mischief if he:

"Physician Orders for Life-Sustaining Treatment Act," P.L.2011, c.145 (C.26:2H-129 et al.).

b. A patient may designate a caregiver in an advance directive.

C.26:2H-5.30 Construction of act relative to private right of action against hospital.

7. a. Nothing in this act shall be construed to create a private right of action against a hospital, a hospital employee, or any consultants or contractors with whom a hospital has a contractual relationship.

b. A hospital, a hospital employee, or any consultants or contractors with whom a hospital has a contractual relationship shall not be held liable, in any way, for the services rendered or not rendered by the caregiver to the patient at the patient's residence.

c. Nothing in this act shall be construed to obviate the obligation of an insurance company, health service corporation, hospital service corporation, medical service corporation, health maintenance organization, or any other entity issuing health benefits plans to provide coverage required under a health benefits plan.

d. (1) A caregiver shall not be reimbursed by any government or commercial payer for after-care assistance that is provided pursuant to this act.

(2) Nothing in this act shall be construed to impact, impede, or otherwise disrupt or reduce the reimbursement obligations of an insurance company, health service corporation, hospital service corporation, medical service corporation, health maintenance organization, or any other entity issuing health benefits plans.

C.26:2H-5.31 Discharge, transfer of patient unaffected.

8. Nothing in this act shall delay the discharge of a patient, or the transfer of a patient from a hospital to another facility.

C.26:2H-5.32 Rules, regulations.

9. The Department of Health, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act including, but not limited to, regulations to further define the content and scope of any instructions provided to caregivers.

10. This act shall take effect on the 180th day following the date of enactment.

Approved November 13, 2014.

to the patient, or an appropriate discharge of the patient. The hospital shall promptly document the attempt in the patient's medical record. At a minimum, the discharge plan shall include:

(1) The name and contact information of the caregiver designated under this act;

(2) A description of all after-care assistance tasks necessary to maintain the patient's ability to reside at home; and

(3) Contact information for any health care, community resources, and long-term services and supports necessary to successfully carry out the patient's discharge plan, and contact information for a hospital employee who can respond to questions about the discharge plan after the instruction provided pursuant to subsection b. of this section.

b. The hospital issuing the discharge plan must provide caregivers with instructions in all after-care assistance tasks described in the discharge plan. Training and instructions for caregivers may be conducted in person or through video technology, at the discretion of the caregiver. Any training or instructions provided to a caregiver shall be provided in non-technical language, to the extent possible. At a minimum, this instruction shall include:

(1) A live or recorded demonstration of the tasks performed by an individual designated by the hospital, who is authorized to perform the after-care assistance task, and is able to perform the demonstration in a culturally-competent manner and in accordance with the hospital's requirements to provide language access services under State and federal law;

(2) An opportunity for the caregiver to ask questions about the after-care assistance tasks; and

(3) Answers to the caregiver's questions provided in a culturally-competent manner and in accordance with the hospital's requirements to provide language access services under State and federal law.

c. Any instruction required under this act shall be documented in the patient's medical record, including, at a minimum, the date, time, and contents of the instruction.

C.26:2H-5.29 Construction of act relative to advanced care directive.

6. a. Nothing in this act shall be construed to interfere with the rights of an agent operating under a valid advance directive pursuant to the provisions of the "New Jersey Advance Directives for Health Care Act," P.L.1991, c.201 (C.26:2H-53 et al.), the "New Jersey Advance Directives for Mental Health Care Act," P.L.2005, c.233 (C.26:2H-102 et al.), or the

tal is not required to provide notice to the caregiver under section 4 of P.L.2014, c.68 (C.26:2H-5.27) or provide information contained in the patient's discharge plan under section 5 of P.L.2014, c.68 (C.26:2H-5.28).

(2) The hospital shall record the patient's designation of caregiver, the relationship of the designated caregiver to the patient, and the name, telephone number, and address of the patient's designated caregiver in the patient's medical record.

e. A patient or the patient's legal guardian may elect to change the patient's designated caregiver at any time, and the hospital must record this change in the patient's medical record before the patient's discharge.

f. This section shall not be construed to require a patient or a patient's legal guardian to designate any individual as a caregiver.

g. A designation of a caregiver by a patient or a patient's legal guardian does not obligate the designated individual to perform any after-care assistance for the patient.

h. In the event that the patient is a minor child, and the parents of the patient are divorced, the custodial parent shall have the authority to designate a caregiver. If the parents have joint custody of the patient, they shall jointly designate the caregiver.

C.26:2H-5.27 Notification to designated caregiver of discharge, transfer.

4. A hospital shall notify the patient's designated caregiver of the patient's discharge or transfer to another facility as soon as possible and, in any event, upon issuance of a discharge order by the patient's attending physician. In the event the hospital is unable to contact the designated caregiver, the lack of contact shall not interfere with, delay, or otherwise affect the medical care provided to the patient, or an appropriate discharge of the patient. The hospital shall promptly document the attempt in the patient's medical record.

C.26:2H-5.28 Hospital to consult with designated caregiver.

5. a. As soon as possible prior to a patient's discharge from a hospital to the patient's residence, the hospital shall consult with the designated caregiver and issue a discharge plan that describes a patient's after-care assistance needs, if any, at the patient's residence. The consultation and issuance of a discharge plan shall occur on a schedule that takes into consideration the severity of the patient's condition, the setting in which care is to be delivered, and the urgency of the need for caregiver services. In the event the hospital is unable to contact the designated caregiver, the lack of contact shall not interfere with, delay, or otherwise affect the medical care provided

spouse, partner, friend, or neighbor who has a significant relationship with the patient.

"Discharge" means a patient's exit or release from a hospital to the patient's residence following any medical care or treatment rendered to the patient following an inpatient admission.

"Entry" means a patient's admission into a hospital for the purposes of receiving inpatient medical care.

"Hospital" means a general acute care hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

"Residence" means the dwelling that the patient considers to be the patient's home. The term shall not include any rehabilitation facility, hospital, nursing home, assisted living facility, or group home licensed by the Department of Health.

C.26:2H-5.26 Designation of caregiver.

3. a. A hospital shall provide each patient or, if applicable, the patient's legal guardian, with an opportunity to designate at least one caregiver following the patient's entry into a hospital, and prior to the patient's discharge to the patient's residence, in a timeframe that is consistent with the discharge planning process provided by regulation. The hospital shall promptly document the request in the patient's medical record.

b. In the event that the patient is unconscious or otherwise incapacitated upon entry into the hospital, the hospital shall provide the patient or the patient's legal guardian with an opportunity to designate a caregiver within a given timeframe, at the discretion of the attending physician, following the patient's recovery of consciousness or capacity. The hospital shall promptly document the attempt in the patient's medical record.

c. In the event that the patient or legal guardian declines to designate a caregiver pursuant to this act, the hospital shall promptly document this declination in the patient's medical record.

d. In the event that the patient or the patient's legal guardian designates an individual as a caregiver under this act:

(1) The hospital shall promptly request the written consent of the patient or the patient's legal guardian to release medical information to the patient's designated caregiver following the hospital's established procedures for releasing personal health information and in compliance with all State and federal laws, including the federal "Health Insurance Portability and Accountability Act of 1996," Pub.L.104-191, and related regulations.

(a) If the patient or the patient's legal guardian declines to consent to release medical information to the patient's designated caregiver, the hospi-

multiple medications, providing wound care, and operating medical equipment.

c. Despite the vast importance of caregivers in the individual's day-to-day care, and despite the fact that 78 percent of caregivers report managing multiple medications, administering injections, and performing other health maintenance tasks, research has shown that many caregivers feel that they do not have the necessary skill set to perform the caregiving tasks they are asked to perform when a loved one is discharged from the hospital.

d. The federal Centers for Medicare & Medicaid Services (CMS) estimates that $17 billion in Medicare funds is spent each year on unnecessary hospital readmissions. Additionally, hospitals desire to avoid the imposition of new readmission penalties under the federal "Patient Protection and Affordable Care Act," Pub.L.111-148, as amended by the "Health Care and Education Reconciliation Act of 2010," Pub.L.111-152 (ACA).

e. In order to successfully address the challenges of a surging population of older adults and others who have significant needs for long-term services and supports, the State must develop methods to enable caregivers to continue to support their loved ones at home and in the community, and avoid costly hospital readmissions.

f. The New Jersey Hospital Association and hospitals in its Hospital Engagement Network have utilized transitional caregiver models to reduce readmissions by over 13 percent from January 2012 to December 2013, leading to 5,492 fewer patients being readmitted during that time, at a cost savings of over $52 million.

g. Therefore, it is the intent of the Legislature that this act enables caregivers to provide competent post-hospital care to their family and other loved ones, at minimal cost to the taxpayers of this State.

C.26:2H-5.25 Definitions relative to designated caregivers.

2. As used in this act:

"After-care assistance" means any assistance provided by a caregiver to a patient following the patient's discharge from a hospital that is related to the patient's condition at the time of discharge, including, but not limited to: assisting with basic activities of daily living; instrumental activities of daily living; and other tasks as determined to be appropriate by the discharging physician or other health care professional licensed pursuant to Title 45 or Title 52 of the Revised Statutes.

"Caregiver" means any individual designated as a caregiver by a patient pursuant to this act who provides after-care assistance to a patient in the patient's residence. The term includes, but is not limited to, a relative,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 6 of P.L.1991, c.226 (C.18A:40-28) is amended to read as follows:

C.18A:40-28 Provision of nursing services through collaboration contracts.

6. A board of education may join with other boards of education or contract with any public or private agency approved by the commissioner for the provision of nursing services required or permitted under sections 3 and 4 of this act. Prior to any change in the provision of these services, the board shall provide timely and meaningful consultation with appropriate nonpublic school representatives, including parents.

2. This act shall take effect immediately.

Approved November 13, 2014.

CHAPTER 68

AN ACT concerning designated caregivers and supplementing Title 26 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.26:2H-5.24 Findings, declarations relative to designated caregivers.

1. The Legislature finds and declares that:

a. According to the American Association of Retired Professional's Public Policy Institute, at any given time, an estimated 1.75 million people in New Jersey provide varying degrees of unreimbursed care to adults with limitations in daily activities. The total value of the unpaid care to individuals in need of long-term services and supports amounts to an estimated $13 billion per year.

b. Caregivers are often members of the individual's immediate family, but friends and other community members also serve as caregivers. Although most caregivers are asked to assist an individual with basic activities of daily living, such as mobility, eating, and dressing, many are expected to perform complex tasks on a daily basis, such as administering

CHAPTER 66

AN ACT concerning school breakfast programs and supplementing Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.18A:33-11.1 "Breakfast after the bell" program; report to Governor, Legislature.

1. a. A public school operated by a school district of the State participating in the federal school breakfast program or a nonpublic school participating in the federal school breakfast program is encouraged to increase the number of students participating in the program by establishing a "breakfast after the bell" program through the incorporation of school breakfast in the first-period classroom or during the first few minutes of the school day.

b. The Department of Agriculture, in consultation with the Department of Education shall:

(1) make every effort to assist, guide, and support school districts, public schools, or nonpublic schools in planning, establishing, implementing, or modifying the "breakfast after the bell" program to increase the participation rate of all students in the school breakfast program, especially students from low income families; and

(2) prepare and issue an annual report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on the number and percentages of students from low income families participating in the school breakfast program, and the format used for providing breakfast, for each school district, public school, or nonpublic school.

2. This act shall take effect immediately.

Approved November 13, 2014.

CHAPTER 67

AN ACT concerning the provision of nursing services to nonpublic school pupils and amending P.L.1991, c.226.

Dam Name	Applicant	Loan Amount
Boonton Reservoir Dam	Jersey City MUA	$1,616,000
Split Rock Dam	Jersey City MUA	$3,792,188
Bass Lake Dam	Princeton-Blairstown Center, Inc.	$700,000
Lake Gerard Dam	Lake Gerard, LLC	$1,746,323
Stony Brook #1 (Honey Lake) Dam	Honey Lake Association	$1,250,000
High Crest Lake Dam	High Crest Lake Lodge, Inc.	$575,000
Heaters Pond Dam	Borough of Ogdensburg	$660,000
Lake Winona Dam	Lake Winona Civic Association, Inc.	$708,773
Preakness Hills Country	Club Dam No. 1 Preakness Hills Country Club	$650,000
Country Lakes #1 Dam	Township of Pemberton	$3,731,248
Lake Erskine Dam	Erskine Lakes Property Owners Association	$668,000
Lake Shawnee Dam	Lake Shawnee Club, Inc.	$2,000,000
Henion Pond Dam	Vacamas Programs for Youth	$1,165,000
Country Lakes #3 Dam	Township of Pemberton	$2,139,272
Hughes Lake Dam	City of Passaic	$743,000
Administrative		$318,196

b. Any unexpended funds remaining after completion of the projects listed in subsection a. of this section shall be returned to the "2003 Dam, Lake and Stream Project Revolving Loan Fund" for re-appropriation to fund additional projects authorized by law.

c. Any transfer of any funds or project sponsor, or change in project site, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

d. There is appropriated to the Department of Environmental Protection such sums as may be, or may become, available on or before June 30, 2014, due to interest earnings or loan repayments to the "2003 Dam, Lake and Stream Project Revolving Loan Fund," to fund the projects listed in subsection a. of this section, and additional projects authorized by law.

e. The expenditures of sums appropriated by this section are subject to the provisions and conditions of P.L.2003, c.162.

2. This act shall take effect immediately.

Approved November 13, 2014.

States Armed Forces during the war years shall be considered as fire duty service.

Service in more than one municipal fire department, for separate periods not concurrent, amounting in the aggregate to seven years, shall be deemed equivalent to seven years' service in a single municipal fire department and any fireman so serving shall be entitled to an exempt fireman certificate from the department and force in the municipality wherein he is serving at the time when he becomes entitled to the certificate. The prior service shall be certified by the chief executive officer of the municipality or municipalities wherein the member served and attested by the municipal clerk or clerks.

3. This act shall take effect immediately and shall be retroactive to January 1, 2009.

Approved November 13, 2014.

CHAPTER 65

AN ACT appropriating $22,463,000 from the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, to provide loans for dam restoration and repair projects.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. There is appropriated to the Department of Environmental Protection from the "2003 Dam, Lake and Stream Project Revolving Loan Fund," established pursuant to section 17 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, the sum of $22,463,000 made available due to project cancellations, withdrawals, cost savings, interest earnings, and loan repayments, for the purpose of providing loans to owners of private dams, as co-applicants with local government units, or to local government units that own dams, to finance the costs of dam restoration and repair projects undertaken by, or on behalf of, the owners of dams. This sum shall include administrative costs and shall be allocated as follows:

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.40A:14-55 is amended to read as follows:

Definitions relating to fire departments and exempt firemen

40A:14-55 Definitions relating to fire departments and exempt firemen.

40A:14-55. "Fire department and force", "fire department or force" or "fire department" means the officers and members organized to fight fires in the municipality;

"Fire duty" means active participation in the usual duties of a fireman under the direction and supervision of the official in charge of the fire department and force;

"60% of duty" means actual recorded attendance and rendering of fire service at not less than 60% of regular alarms of fire answerable by the members during any calendar year; the total number of alarms used in computing said percentage may include not more than 20 fire drills called at the direction of the official in charge of the fire department and force;

"50% of duty" means actual recorded attendance and rendering of fire service at not less than 50% of regular alarms of fire answerable by the members during any calendar year; the total number of alarms used in computing said percentage may include not more than 20 fire drills called at the direction of the official in charge of the fire department and force.

2. N.J.S.40A:14-56 is amended to read as follows:

Exempt fireman certificate; eligibility.

40A:14-56. A member of the fire department and force of a municipality shall be entitled to an exempt fireman certificate when it appears that at the time of his appointment he was of good moral character and was not under 18 or over 45 years of age and that he had performed during a period of seven years, 60% of fire duty or after January 1, 2009, 50% of fire duty, in each year, respectively. Any member who otherwise would be eligible for an exempt fireman certificate, but who, as the result of an injury or injuries incurred out of or in the course of fire duty, is permanently unable to fulfill the seven-year performance requirement set forth in this section, shall be entitled to an exempt fireman certificate if, at the time he incurred the injury or injuries, the member had performed during a period of five years, 60% of fire duty or after January 1, 2009, 50% of fire duty, in each year, respectively. In cases where the appointment was made during the war years the age limit shall be extended 10 years. Service in the United

(4) The applicant is not a "Garden State Growth Zone Development Entity," as defined in section 23 of P.L.2013, c.161 (C.52:27D-489r).

(5) The applicant is not partnered with the New Jersey Sports and Exposition Authority for the capital investment pursuant to this section.

c. The New Jersey Economic Development Authority shall grant an application for a tax credit if the government entity receiving the public infrastructure adopts a resolution and files it with the authority, consenting to the award of the tax credit and the ownership of the public infrastructure is transferred to that government entity, and either: (1) the construction commences after January 1, 2013; (2) the construction is completed, as evidenced by a certificate of occupancy or other certificate of completion, after January 1, 2013; (3) the first monetary or debt service payment occurs after January 1, 2013; or (4) the land is deeded to the government entity after January 1, 2013.

d. (1) The total amount of tax credits that may be awarded to an eligible applicant for a single project shall not exceed $5,000,000 and the total value of all tax credits approved by the authority pursuant to P.L.2014, c.63 (C.34:1B-251 et al.) shall not exceed $25,000,000.

(2) A tax credit granted pursuant to this section may be transferred in the same manner as tax credits are transferred under section 33 of P.L.2009, c.90 (C.34:1B-209.1).

(3) Nothing in this section shall prohibit an applicant from applying for and being awarded multiple tax credit awards based on separate public infrastructure projects.

e. The chief executive of the authority, in consultation with the Director of the Division of Taxation in the Department of the Treasury, may adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to implement the provisions of this section.

11. This act shall take effect immediately.

Approved October 24, 2014.

CHAPTER 64

AN ACT concerning exempt firemen and amending N.J.S.40A:14-55 and N.J.S.40A:14-56.

service for the construction of public infrastructure; or deeding land to a government entity for use as public infrastructure.

"Public infrastructure" means: (1) buildings and structures, such as schools; fire houses; police stations; recreation centers; public works garages; and water and sewer treatment and pumping facilities; (2) open space with improvements such as athletic fields; playgrounds; planned parks; (3) open space without improvements; and (4) public transportation facilities such as train stations and public parking facilities. To qualify as public infrastructure under this section, the facilities, land, or both, shall have a minimum fair market value of $5 million; provided, however, that multiple lands and facilities, valued individually at less than $5 million, that are part of the same redevelopment project may be aggregated to achieve the minimum $5 million requirement. In the case of open space without improvements, the land shall have a minimum fair market value of at least $1 million prior to its dedication as open space. Sidewalks, streets, roads, ramps, and jug handles shall not be deemed public infrastructure for the purposes of this section.

"Tax credit" means a credit equal to 100 percent of the applicant's cost of providing public infrastructure for use to offset a tax liability.

"Tax liability" means a liability for the taxes imposed pursuant to the "Corporation Business Tax (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), and liability for basic, general, additional, and supplemental realty transfer fees imposed pursuant to P.L.1968, c.49 (C.46:15-5 et seq.), as amended and supplemented.

b. Commencing with the effective date of P.L.2014, c.63 (C.34:1B-251 et al.) and ending on December 31 of the fifth complete year next following, an applicant that has agreed to, or has provided, public infrastructure may apply to the New Jersey Economic Development Authority for a tax credit under the following conditions:

(1) The applicant makes a new capital investment in an amount equal to or greater than $10,000,000 in, or causes another entity by contract or development agreement to construct, a building, complex of buildings or other similar structures or facilities, which shall be completed within two years following approval by the Authority, which relies on the completed public infrastructure.

(2) The applicant has not received a tax credit under the "Grow New Jersey Assistance Program" established by section 3 of P.L.2011, c.149 (C.34:1B-244).

(3) The applicant has not received a grant under a State or a local Economic Redevelopment and Growth Grant program pursuant to section 4 or section 5 of P.L.2009, c.90 (C.52:27D-489d or C.52:27D-489e).

(8) In the eighteenth year after completion, 80 percent of taxes otherwise due;

(9) In the nineteenth full year after completion, 90 percent of taxes otherwise due;

(10) In the twentieth year after completion, and each year thereafter, 100 percent of taxes.

An amount not less than five percent of all payments pursuant to this subsection shall be paid to the county in which the municipality is located.

d. Upon the termination of the exemption granted pursuant to subsection c. of this section, the project, all affected parcels, land, and all improvements made thereto shall be assessed and subject to taxation as are other taxable properties in the municipality. After the date of termination, all restrictions and limitations upon the Garden State Growth Zone Development Entity shall terminate and be at an end upon the entity's rendering its final accounting to and with the municipality.

e. Notwithstanding subsection b. of this section, the owner of any property located within a Garden State Growth Zone, that does not qualify as a Garden State Growth Zone Development Entity, that performs any new construction, improvements, or substantial rehabilitation improvements to property, shall be entitled to an exemption from taxation regarding such improvements as provided herein. For purposes of such exemption, the municipality shall consider the assessor's full and true value of the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby.

f. Any exemption obtained under this section shall be fully transferable upon the sale of real property, as long as the new owner meets all requirements for exemption set forth pursuant to this section, or, for the sale of a residential unit, as long as the new owner occupies the unit as a primary residence.

C.34:1B-251 Definitions relative to certain economic development projects.

10. a. For the purposes of this section:

"Authority" means the New Jersey Economic Development Authority established pursuant to section 4 of P.L.1974, c.80 (C.34:1B-4).

"Government entity" means the State government, a local unit of government, or a State or local government agency or authority.

"Providing public infrastructure" means undertaking and paying for the construction of public infrastructure; contributing money or paying debt

Zone and that undertakes the clearance, re-planning, development, or redevelopment of such property is hereby granted an exemption on improvements to such eligible property for any new construction, improvements, or substantial rehabilitation of structures on real property for a period of 20 years from receiving a final Certificate of Occupancy, provided however, that a municipality located within the Garden State Growth Zone shall, by ordinance, opt-in to such program within 90 calendar days of the enactment of P.L.2013, c.161 (C.52:27D-489p et al.). The exemption allowed by this subsection shall be dependent upon: (1) the owner, or lessee, of the real property making improvements to the real property after the enactment of P.L.2013, c.161 (C.52:27D-489p et al.); and (2) the Division of Codes and Standards, in consultation with the eligible municipality, issuing a final Certificate of Occupancy within 10 years of the date of enactment of P.L.2013, c.161 (C.52:27D-489p et al.). For purposes of this section, a lessee of real property shall include a Garden State Growth Zone Development Entity that is a lessee that is subject to a statutory obligation to make a payment in lieu of taxes on the improvements equal to the taxes on real and personal property.

c. The exemption granted by subsection b. of this section shall be for a period of 20 years. For the first 10 years immediately subsequent to the issuance of a Certificate of Occupancy, the Garden State Growth Zone Development Entity shall be exempt from the payment of taxes on the improvements to the eligible property. Thereafter, the Garden State Growth Zone Development Entity shall pay to the municipality in lieu of full property tax payments an amount equal to a percentage of taxes otherwise due, according to the following schedule:

(1) In the eleventh year after completion, 10 percent of taxes otherwise due;

(2) In the twelfth year after completion, 20 percent of taxes otherwise due;

(3) In the thirteenth year after completion, 30 percent of taxes otherwise due;

(4) In the fourteenth year after completion, 40 percent of taxes otherwise due;

(5) In the fifteenth year after completion, 50 percent of taxes otherwise due;

(6) In the sixteenth year after completion, 60 percent of taxes otherwise due;

(7) In the seventeenth year after completion, 70 percent of taxes otherwise due;

lieu of the developer being allowed any amount of the credit against the tax liability of the developer. The tax credit transfer certificate, upon receipt thereof by the developer from the director and the chief executive officer of the authority, may be sold or assigned, in full or in part, to any other person that may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The certificate provided to the developer shall include a statement waiving the developer's right to claim that amount of the credit against the taxes that the developer has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed under this paragraph shall not be exchanged for consideration received by the developer of less than 75 percent of the transferred credit amount before considering any further discounting to present value that may be permitted. Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability shall be subject to the same limitations and conditions that apply to the use of the credit by the developer who originally applied for and was allowed the credit.

c. All administrative costs associated with the incentive grant shall be assessed to the applicant and be retained by the State Treasurer from the annual incentive grant payments.

d. The incremental revenue for the revenues listed in subsection a. of this section shall be calculated as the difference between the amount collected in any fiscal year from any eligible revenue source included in the State redevelopment incentive grant agreement, less the revenue increment base for that eligible revenue.

e. The municipality is authorized to collect any and all information necessary to facilitate grants under this program and remit that information, as may be required from time to time, in order to assist in the calculation of incremental revenue.

9. Section 24 of P.L.2013, c.161 (C.52:27D-489s) is amended to read as follows:

C.52:27D-489s Authority of development entity.

24. a. A Garden State Growth Zone Development Entity is authorized to undertake clearance, re-planning, development, or redevelopment of property within a Garden State Growth Zone.

b. Notwithstanding any other law to the contrary, every Garden State Growth Zone Development Entity that owns real property, or leases real property for a period of not less than 30 years, within a Garden State Growth

(a) of this paragraph, (iii) disaster recovery projects that otherwise do not qualify under subparagraph (a) of this paragraph, or (iv) SDA municipalities located in Hudson County that were awarded State Aid in State Fiscal Year 2013 through the Transitional Aid to Localities program and otherwise do not qualify under subparagraph (a) of this paragraph;

(c) $75,000,000 shall be restricted to qualified residential projects in distressed municipalities, deep poverty pockets, highlands development credit receiving areas or redevelopment areas, otherwise not qualifying pursuant to subparagraph (a) or (b) of this paragraph; and

(d) $25,000,000 shall be restricted to qualified residential projects that are located within a qualifying economic redevelopment and growth grant incentive area otherwise not qualifying under subparagraph (a), (b), or (c) of this paragraph.

(e) For subparagraphs (a) through (d) of this paragraph, not more than $40,000,000 of credits shall be awarded to any qualified residential project in a deep poverty pocket or distressed municipality and not more than $20,000,000 of credits shall be awarded to any other qualified residential project. The developer of a qualified residential project seeking an award of credits towards the funding of its incentive grant shall submit an incentive grant application prior to July 1, 2016 and if approved after the effective date of P.L.2013, c.161 shall submit a temporary certificate of occupancy for such project no later than July 28, 2018. Applications for tax credits pursuant to this subsection relating to an ancillary infrastructure project or infrastructure improvement in the public right of way, or both, shall be accompanied with a letter of support relating to the project or improvement by the governing body or agency in which the project is located. Credits awarded to a developer pursuant to this subsection shall be subject to the same financial and related analysis by the authority, the same term of the grant, and the same mechanism for administering the credits, and shall be utilized or transferred by the developer as if such credits had been awarded to the developer pursuant to section 35 of P.L.2009, c.90 (C.34:1B-209.3) for qualified residential projects thereunder. No portion of the revenues pledged pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.) shall be subject to withholding or retainage for adjustment, in the event the developer or taxpayer waives its rights to claim a refund thereof.

(3) A developer may apply to the Director of the Division of Taxation in the Department of the Treasury and the chief executive officer of the authority for a tax credit transfer certificate, if the developer is awarded a tax credit pursuant to paragraph (2) of this subsection, covering one or more years, in

ment project, the hotel and motel occupancy fee imposed pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1), or the portion of the fee imposed pursuant to section 3 of P.L.1968, c.49 (C.46:15-7) derived from the sale of real property at the site of the redevelopment project and paid to the State Treasurer for use by the State, that is not credited to the "Shore Protection Fund" or the "Neighborhood Preservation Nonlapsing Revolving Fund" ("New Jersey Affordable Housing Trust Fund") pursuant to section 4 of P.L.1968, c.49 (C.46:15-8). Any developer shall be allowed to assign their ability to apply for the tax credit under this subsection to a non-profit organization with a mission dedicated to attracting investment and completing development and redevelopment projects in a Garden State Growth Zone. The non-profit organization may make an application on behalf of a developer which meets the requirements for the tax credit, or a group of non-qualifying developers, such that these will be considered a unified project for the purposes of the incentives provided under this section.

b. (1) Up to an average of 75 percent of the projected annual incremental revenues or 85 percent of the projected annual incremental revenues in a Garden State Growth Zone may be pledged towards the State portion of an incentive grant.

(2) In the case of a qualified residential project, if the authority determines that the estimated amount of incremental revenues pledged towards the State portion of an incentive grant is inadequate to fully fund the amount of the State portion of the incentive grant, then in lieu of an incentive grant based on such incremental revenue, the developer shall be awarded tax credits equal to the full amount of the incentive grant. The value of all credits approved by the authority pursuant to this paragraph shall not exceed $600,000,000, of which:

(a) $250,000,000 shall be restricted to qualified residential projects within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem counties, of which $175,000,000 of credits shall be restricted to qualified residential projects in a Garden State Growth Zone located within the aforementioned counties, and $75,000,000 of credits shall be restricted to qualified residential projects in municipalities with a 2007 Municipal Revitalization Index of 400 or higher as of the date of enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.) and located within the aforementioned counties;

(b) $250,000,000 shall be restricted to qualified residential projects located in: (i) urban transit hubs that are commuter rail in nature that otherwise do not qualify under subparagraph (a) of this paragraph, (ii) a Garden State Growth Zone not located in a county mentioned in subparagraph

"Vacant health facility project" means a redevelopment project where a health facility, as defined by section 2 of P.L.1971, c.136 (C.26:2H-2), currently exists and is considered vacant. A health facility shall be considered vacant if at least 70 percent of that facility has not been open to the public or utilized to serve any patients at the time of application to the authority.

8. Section 6 of P.L.2009, c.90 (C.52:27D-489f) is amended to read as follows:

C.52:27D-489f Payment to developer from State.

6. a. Up to the limits established in subsection b. of this section and in accordance with a redevelopment incentive grant agreement, beginning upon the receipt of occupancy permits for any portion of the redevelopment project, or upon such other event evidencing project completion as set forth in the incentive grant agreement, the State Treasurer shall pay to the developer incremental State revenues directly realized from businesses operating on or at the site of the redevelopment project from the following taxes: the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et seq.), the tax imposed on marine insurance companies pursuant to R.S.54:16-1 et seq., the tax imposed on insurers generally, pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), the public utility franchise tax, public utilities gross receipts tax and public utility excise tax imposed on sewerage and water corporations pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.), those tariffs and charges imposed by electric, natural gas, telecommunications, water and sewage utilities, and cable television companies under the jurisdiction of the New Jersey Board of Utilities, or comparable entity, except for those tariffs, fees, or taxes related to societal benefits charges assessed pursuant to section 12 of P.L.1999, c.23 (C.48:3-60), any charges paid for compliance with the "Global Warming Response Act," P.L.2007, c.112 (C.26:2C-37 et seq.), transitional energy facility assessment unit taxes paid pursuant to section 67 of P.L.1997, c.162 (C.48:2-21.34), and the sales and use taxes on public utility and cable television services and commodities, the tax derived from net profits from business, a distributive share of partnership income, or a pro rata share of S corporation income under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., the tax derived from a business at the site of a redevelopment project that is required to collect the tax pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), the tax imposed pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.) from the purchase of furniture, fixtures and equipment, or materials for the remediation, the construction of new structures at the site of a redevelop-

"SDA municipality" means a municipality in which an SDA district is situate.

"Technology startup company" means a for profit business that has been in operation fewer than five years and is developing or possesses a proprietary technology or business method of a high-technology or life science-related product, process, or service which the business intends to move to commercialization.

"Tourism destination project" means a redevelopment project that will be among the most visited privately owned or operated tourism or recreation sites in the State, and which is located within the incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance.

"Transit project" means a redevelopment project located within a 1/2-mile radius, or one-mile radius for projects located in a Garden State Growth Zone, surrounding the mid-point of a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station platform area, including all light rail stations.

"Transit village" means a community with a bus, train, light rail, or ferry station that has developed a plan to achieve its economic development and revitalization goals and has been designated by the New Jersey Department of Transportation as a transit village.

"Urban transit hub" means an urban transit hub, as defined in section 10 of P.L.2007, c.346 (C.34:1B-208), that is located within an eligible municipality, as defined in section 10 of P.L.2007, c.346 (C.34:1B-208), or all light rail stations and property located within a one-mile radius of the midpoint of the platform area of such a rail, bus, or ferry station if the property is in a qualified municipality under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.).

"Vacant commercial building" means any commercial building or complex of commercial buildings having over 400,000 square feet of office, laboratory, or industrial space that is more than 70 percent unoccupied at the time of application to the authority or is negatively impacted by the approval of a "qualified business facility," as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208), or any vacant commercial building in a Garden State Growth Zone having over 35,000 square feet of office, laboratory, or industrial space, or over 200,000 square feet of office, laboratory, or industrial space in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties available for occupancy for a period of over one year.

fying economic redevelopment and growth grant incentive area or a transit village.

"Redevelopment project" means a specific construction project or improvement, including lands, buildings, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, leased, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, undertaken by a developer, owner or tenant, or both, within a project area and any ancillary infrastructure project including infrastructure improvements in the public right of way, as set forth in an application to be made to the authority. The use of the term "redevelopment project" in sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.) shall not be limited to only redevelopment projects located in areas determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) but shall also include any work or undertaking in accordance with the "Redevelopment Area Bond Financing Law," sections 1 through 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.) or other applicable law, pursuant to a redevelopment plan adopted by a State entity, or as described in the resolution adopted by a public entity created by State law with the power to adopt a redevelopment plan or otherwise determine the location, type and character of a redevelopment project or part of a redevelopment project on land owned or controlled by it or within its jurisdiction, including but not limited to, the New Jersey Meadowlands Commission established pursuant to P.L.1968, c.404 (C.13:17-1 et seq.), the New Jersey Sports and Exposition Authority established pursuant to P.L.1971 c.137 (C.5:10-1 et seq.) and the Fort Monmouth Economic Revitalization Authority created pursuant to P.L.2010, c.51 (C.52:27I-18 et seq.).

"Redevelopment utility" means a self-liquidating fund created by a municipality pursuant to section 12 of P.L.2009, c.90 (C.52:27D-489l) to account for revenues collected and incentive grants paid pursuant to section 11 of P.L.2009, c.90 (C.52:27D-489k), or other revenues dedicated to a redevelopment project.

"Revenue increment base" means the amounts of all eligible revenues from sources within the redevelopment project area in the calendar year preceding the year in which the redevelopment incentive grant agreement is executed, as certified by the State Treasurer for State revenues, and the chief financial officer of the municipality for municipal revenues.

"SDA district" means an SDA district as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3).

(7) located within land approved for closure under any federal Base Closure and Realignment Commission action; or

(8) located only within the following portions of the areas designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) is located within:

(a) a designated center under the State Development and Redevelopment Plan;

(b) a designated growth center in an endorsed plan until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition as it pertains to Statewide planning areas;

(c) any area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) or in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14);

(d) any area on which a structure exists or previously existed including any desired expansion of the footprint of the existing or previously existing structure provided such expansion otherwise complies with all applicable federal, State, county, and local permits and approvals;

(e) the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands development credit receiving area or redevelopment area; or

(f) any area on which an existing tourism destination project is located.

"Qualifying economic redevelopment and growth grant incentive area" or "incentive area" shall not include any property located within the preservation area of the Highlands Region as defined in the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.).

"Redevelopment incentive grant agreement" means an agreement between, (1) the State and the New Jersey Economic Development Authority and a developer, or (2) a municipality and a developer, or a municipal ordinance authorizing a project to be undertaken by a municipal redeveloper, under which, in exchange for the proceeds of an incentive grant, the developer agrees to perform any work or undertaking necessary for a redevelopment project, including the clearance, development or redevelopment, construction, or rehabilitation of any structure or improvement of commercial, industrial, residential, or public structures or improvements within a quali-

leasable area is restricted for use by one or more technology startup companies during the commitment period.

"Qualified residential project" means a redevelopment project that is predominantly residential and includes multi-family residential units for purchase or lease, or dormitory units for purchase or lease, having a total project cost of at least $17,500,000, if the project is located in any municipality with a population greater than 200,000 according to the latest federal decennial census, or having a total project cost of at least $10,000,000 if the project is located in any municipality with a population less than 200,000 according to the latest federal decennial census, or is a disaster recovery project, or having a total project cost of $5,000,000 if the project is in a Garden State Growth Zone.

"Qualifying economic redevelopment and growth grant incentive area" or "incentive area" means:

a. an aviation district;

b. a port district;

c. a distressed municipality; or

d. an area (1) designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as:

(a) Planning Area 1 (Metropolitan);

(b) Planning Area 2 (Suburban); or

(c) Planning Area 3 (Fringe Planning Area);

(2) located within a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21);

(3) located within any land owned by the New Jersey Sports and Exposition Authority, established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack Meadowlands District as delineated in section 4 of P.L.1968, c.404 (C.13:17-4);

(4) located within a regional growth area, a town, village, or a military and federal installation area designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);

(5) located within the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or in a highlands development credit receiving area or redevelopment area;

(6) located within a Garden State Growth Zone;

the total costs, capitalized interest paid to third parties, and the cost of infrastructure improvements, including ancillary infrastructure projects, and, for projects located in a Garden State Growth Zone only, the cost of infrastructure improvements including any ancillary infrastructure project and the amount by which total project cost exceeds the cost of an alternative location for the redevelopment project, but excluding any particular costs for which the project has received federal, State, or local funding.

"Project financing gap" means: a. the part of the total project cost, including return on investment, that remains to be financed after all other sources of capital have been accounted for, including, but not limited to, developer-contributed capital, which shall not be less than 20 percent of the total project cost, which may include the value of any existing land and improvements in the project area owned or controlled by the developer, and the cost of infrastructure improvements in the public right-of-way, subject to review by the State Treasurer, and investor or financial entity capital or loans for which the developer, after making all good faith efforts to raise additional capital, certifies that additional capital cannot be raised from other sources on a non-recourse basis; and b. the amount by which total project cost exceeds the cost of an alternative location for the out-of-State redevelopment project.

"Project revenue" means all rents, fees, sales, and payments generated by a project, less taxes or other government payments.

"Property tax increment" means the amount obtained by:

(1) multiplying the general tax rate levied each year by the taxable value of all the property assessed within a project area in the same year, excluding any special assessments; and

(2) multiplying that product by a fraction having a numerator equal to the taxable value of all the property assessed within the project area, minus the property tax increment base, and having a denominator equal to the taxable value of all property assessed within the project area.

For the purpose of this definition, "property tax increment base" means the aggregate taxable value of all property assessed which is located within the redevelopment project area as of October 1st of the year preceding the year in which the redevelopment incentive grant agreement is authorized.

"Qualified incubator facility" means a commercial building located within an incentive area: which contains 100,000 or more square feet of office, laboratory, or industrial space; which is located near, and presents opportunities for collaboration with, a research institution, teaching hospital, college, or university; and within which, at least 75 percent of the gross

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"Low-income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

"Major rail station" means a railroad station located within a qualified incentive area which provides access to the public to a minimum of six rail passenger service lines operated by the New Jersey Transit Corporation.

"Moderate-income housing" means housing affordable, according to United States Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

"Municipal redeveloper" means a municipal government or a redevelopment agency acting on behalf of a municipal government as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3) that is an applicant for a redevelopment incentive grant agreement.

"Municipal Revitalization Index" means the 2007 index by the Office for Planning Advocacy within the Department of State measuring or ranking municipal distress.

"Project area" means land or lands located within the incentive area under common ownership or control including through a redevelopment agreement with a municipality, or as otherwise established by a municipality or a redevelopment agreement executed by a State entity to implement a redevelopment project.

"Project cost" means the costs incurred in connection with the redevelopment project by the developer until the issuance of a permanent certificate of occupancy, or until such other time specified by the authority, for a specific investment or improvement, including the costs relating to receiving Highlands Development Credits under the Highlands Transfer Development Rights Program authorized pursuant to section 13 of P.L.2004, c.120 (C.13:20-13), lands, buildings, improvements, real or personal property, or any interest therein, including leases discounted to present value, including lands under water, riparian rights, space rights and air rights acquired, owned, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, any environmental remediation costs, plus costs not directly related to construction, of an amount not to exceed 20 percent of

fairs to be facing serious fiscal distress, a SDA municipality, or a municipality in which a major rail station is located.

"Eligibility period" means the period of time specified in a redevelopment incentive grant agreement for the payment of reimbursements to a developer, which period shall not exceed 20 years, with the term to be determined solely at the discretion of the applicant.

"Eligible revenue" means the property tax increment and any other incremental revenues set forth in section 11 of P.L.2009, c.90 (C.52:27D-489k), except in the case of a Garden State Growth Zone, in which such property tax increment and any other incremental revenues are calculated as those incremental revenues that would have existed notwithstanding the provisions of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

"Garden State Growth Zone" or "growth zone" means the four New Jersey cities with the lowest median family income based on the 2009 American Community Survey from the US Census, (Table 708. Household, Family, and Per Capita Income and Individuals, and Families Below Poverty Level by City: 2009); or a municipality which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority.

"Highlands development credit receiving area or redevelopment area" means an area located within an incentive area and designated by the Highlands Council for the receipt of Highlands Development Credits under the Highlands Transfer Development Rights Program authorized under section 13 of P.L.2004, c.120 (C.13:20-13).

"Incentive grant" means reimbursement of all or a portion of the project financing gap of a redevelopment project through the State or a local Economic Redevelopment and Growth Grant program pursuant to section 4 or section 5 of P.L.2009, c.90 (C.52:27D-489d or C.52:27D-489e).

"Infrastructure improvements in the public right-of-way" mean public structures or improvements located in the public right of way that are located within a project area or that constitute an ancillary infrastructure project, either of which are dedicated to or owned by a governmental body or agency upon completion, or any required payment in lieu of such structures, improvements or projects or any costs of remediation associated with such structures, improvements or projects, and that are determined by the authority, in consultation with applicable State agencies, to be consistent with and in furtherance of State public infrastructure objectives and initiatives.

"Applicant" means a developer proposing to enter into a redevelopment incentive grant agreement.

"Ancillary infrastructure project" means structures or improvements that are located within the incentive area but outside the project area of a redevelopment project, including, but not limited to, docks, bulkheads, parking garages, freight rail spurs, roadway overpasses, and train station platforms, provided a developer or municipal redeveloper has demonstrated that the redevelopment project would not be economically viable or promote the use of public transportation without such improvements, as approved by the State Treasurer.

"Authority" means the New Jersey Economic Development Authority established under section 4 of P.L.1974, c.80 (C.34:1B-4).

"Aviation district" means the area within a one-mile radius of the outermost boundary of the "Atlantic City International Airport," established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-24).

"Deep poverty pocket" means a population census tract having a poverty level of 20 percent or more, and which is located within the incentive area and has been determined by the authority to be an area appropriate for development and in need of economic development incentive assistance.

"Developer" means any person who enters or proposes to enter into a redevelopment incentive grant agreement pursuant to the provisions of section 9 of P.L.2009, c.90 (C.52:27D-489i), or its successors or assigns, including but not limited to a lender that completes a redevelopment project, operates a redevelopment project, or completes and operates a redevelopment project. A developer also may be a municipal government or a redevelopment agency as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3).

"Director" means the Director of the Division of Taxation in the Department of the Treasury.

"Disaster recovery project" means a redevelopment project located on property that has been wholly or substantially damaged or destroyed as a result of a federally-declared disaster, and which is located within the incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance.

"Distressed municipality" means a municipality that is qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality identified by the Director of the Division of Local Government Services in the Department of Community Af-

f. A business which has already applied for a tax credit incentive award prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), but who has not yet been approved for such tax credits, or has not executed an agreement with the authority, may proceed under that application or seek to amend such application or reapply for a tax credit incentive award for the same project or any part thereof for the purpose of availing itself of any more favorable provisions of the program.

6. Section 7 of P.L2011, c.149 (C.34:1B-248) is amended to read as follows:

C.34:1B-248 Application for tax credit transfer certificate.

7. A business may apply to the Director of the Division of Taxation in the Department of the Treasury and the chief executive officer of the authority for a tax credit transfer certificate, covering one or more years, in lieu of the business being allowed any amount of the credit against the tax liability of the business. The tax credit transfer certificate, upon receipt thereof by the business from the director and the chief executive officer of the authority, may be sold or assigned, in full or in part, in an amount not less than $25,000, to any other person that may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5. The certificate provided to the business shall include a statement waiving the business's right to claim that amount of the credit against the taxes that the business has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed under this section shall not be exchanged for consideration received by the business of less than 75 percent of the transferred credit amount before considering any further discounting to present value which shall be permitted. Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability shall be subject to the same limitations and conditions that apply to the use of the credit by the business that originally applied for and was allowed the credit.

7. Section 3 of P.L.2009, c.90 (C.52:27D-489c) is amended to read as follows:

C.52:27D-489c Definitions relative to economic stimulus.

3. As used in sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.):

specified in the incentive agreement, until the first tax period for which documentation demonstrating a reduction of the number of full-time employees employed by the business at the qualified business facility, at which time the tax credit amount will be adjusted accordingly pursuant to this section.

(b) For a project located within a Garden State Growth Zone which qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, and which qualifies for a tax credit pursuant to subsubparagraph (ii) of subparagraphs (a) through (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), if, in any tax period the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area increases above the number of full-time employees specified in the incentive agreement such that the business shall then meet the minimum number of employees required in subparagraph (b), (c), (d), or (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), then the authority shall recalculate the total tax credit amount per full-time job by using the certified capital investment of the project allowable under the applicable subsubparagraph and the number of full-time jobs certified on the date of the recalculation and applying those numbers to subparagraph (b), (c), (d), or (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), until the first tax period for which documentation demonstrating a reduction of the number of full-time employees employed by the business at the qualified business facility, at which time the tax credit amount shall be adjusted accordingly pursuant to this section.

e. The authority shall not enter into an incentive agreement with a business that has previously received incentives pursuant to the "Business Retention and Relocation Assistance Act," P.L.1996, c.25 (C.34:1B-112 et seq.), the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et seq.), or any other program administered by the authority unless:

(1) the business has satisfied all of its obligations underlying the previous award of incentives or is compliant with section 4 of P.L.2011, c.149 (C.34:1B-245); or

(2) the capital investment incurred and new or retained full-time jobs pledged by the business in the new incentive agreement are separate and apart from any capital investment or jobs underlying the previous award of incentives.

incentive area drops below 80 percent of the number of new and retained full-time jobs specified in the incentive agreement, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the qualified business facility to 80 percent of the number of jobs specified in the incentive agreement.

(3) (a) If the qualified business facility is sold by the owner in whole or in part during the eligibility period, the new owner shall not acquire the capital investment of the seller and the seller shall forfeit all credits for the tax period in which the sale occurs and all subsequent tax periods, provided however that any credits of the business shall remain unaffected.

(b) In connection with a regional distribution facility of foodstuffs, the business entity or entities which own or lease such facility shall qualify as a business regardless of: (i) the type of the business entity or entities which own or lease such facility; (ii) the ownership or leasing of such facility by more than one business entity; or (iii) the ownership of the business entity or entities which own or lease such facility. Such ownership or leasing, whether by members, shareholders, partners, or other owners of the business entity or entities, shall be treated as ownership or leasing by affiliates. Such members, shareholders, partners, or other ownership or leasing participants and others that are tenants in the facility shall be treated as affiliates for the purpose of counting the full-time employees and capital investments in the facility. The business entity or entities may distribute credits to members, shareholders, partners, or other ownership or leasing participants in accordance with their respective interests. If the business entity or entities or their members, shareholders, partners, or other ownership or leasing participants lease space in the facility to members, shareholders, partners, or other ownership or leasing participants or others as tenants in the facility, the leases shall be treated as a lease to an affiliate, and the business entity or entities shall not be subject to forfeiture of the credits. For the purposes of this section, leasing shall include subleasing and tenants shall include subtenants.

(4) (a) For a project located within a Garden State Growth Zone, if, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area increases above the number of full-time employees specified in the incentive agreement, then the business shall be entitled to an increased base credit amount for that tax period and each subsequent tax period, for each additional full-time employee added above the number of full-time employees

c. (1) In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review.

The credit amount for any tax period for which the documentation of a business' credit amount remains uncertified as of a date three years after the closing date of that period shall be forfeited, although credit amounts for the remainder of the years of the eligibility period shall remain available to it.

The credit amount may be taken by the tax certificate holder for the tax period for which it was issued or may be carried forward for use by the tax certificate holder in any of the next 20 successive tax periods, and shall expire thereafter. The tax certificate holder may transfer the tax credit amount on or after the date of issuance or at any time within three years of the date of issuance for use by the transferee in the tax period during which it was transferred or in any of the next three successive tax periods. Notwithstanding the foregoing, no more than the amount of tax credits equal to the total credit amount divided by the duration of the eligibility period in years may be taken in any tax period.

(2) Credits granted to a partnership shall be passed through to the partners, members, or owners, respectively, pro-rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method provided to the Director of the Division of Taxation in the Department of the Treasury accompanied by any additional information as the director may require.

(3) The amount of credit allowed may be applied against the tax liability otherwise due pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5.

d. (1) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax period prior to the credit amount approval under section 3 of P.L.2011, c.149 (C.34:1B-244), then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business' Statewide workforce to the threshold levels required by this paragraph has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(2) If, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified

lease agreements, ownership documents, or substantially similar documentation for the potential out-of-State location alternatives, to the extent they exist. Based on this information, and any other information deemed relevant by the authority, the authority shall independently verify and confirm the amount necessary to complete the project.

5. Section 6 of P.L.2011, c.149 (C.34:1B-247) is amended to read as follows:

C.34:1B-247 Limit on combined value of approved credits.

6. a. (1) The combined value of all credits approved by the authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) and P.L.2011, c.149 (C.34:1B-242 et al.) prior to December 31, 2013 shall not exceed $1,750,000,000, except as may be increased by the authority as set forth in paragraph (5) of subsection a. of section 35 of P.L.2009, c.90 (C.34:1B-209.3). Following the enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), there shall be no monetary cap on the value of credits approved by the authority attributable to the program pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

(2) (Deleted by amendment, P.L.2013, c.161).

(3) (Deleted by amendment, P.L.2013, c.161).

(4) (Deleted by amendment, P.L.2013, c.161).

(5) (Deleted by amendment, P.L.2013, c.161).

b. (1) A business shall submit an application for tax credits prior to July 1, 2019. The authority shall not approve an application for tax credits unless the application was submitted prior to July 1, 2019.

(2) A business shall submit its documentation indicating that it has met the capital investment and employment requirements specified in the incentive agreement for certification of its tax credit amount within three years following the date of approval of its application by the authority. The authority shall have the discretion to grant two six-month extensions of this deadline. In no event shall the incentive effective date occur later than four years following the date of approval of an application by the authority.

(3) Full-time employment for an accounting or privilege period shall be determined as the average of the monthly full-time employment for the period.

(4) A business seeking a credit for a mega project shall apply for the credit within four years after the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

f. Notwithstanding the provisions of subsections a. through e. of this section, for each application approved by the authority's board, the amount of tax credits available to be applied by the business annually shall not exceed:

(1) $35,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in a Garden State Growth Zone which qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority;

(2) $30,000,000 and provides a net benefit to the State as provided herein with respect to a mega project or a qualified business facility in a Garden State Growth Zone;

(3) $10,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in an urban transit hub municipality;

(4) $8,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in a distressed municipality;

(5) $4,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in other priority areas, but not more than 90 percent of the withholdings of the business from the qualified business facility; and

(6) $2,500,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in other eligible areas, but not more than 90 percent of the withholdings of the business from the qualified business facility.

Under paragraphs (1) through (6) of this subsection, with the exception of a project located within a Garden State Growth Zone which qualifies for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, that divides the total capital investment of the project by the total number of full-time jobs at that project, for each application for tax credits in excess of $4,000,000 annually, the amount of tax credits available to be applied by the business annually shall be the lesser of the maximum amount under the applicable subsection or an amount determined by the authority necessary to complete the project, with such determination made by the authority's utilization of a full economic analysis of all locations under consideration by the business; all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations, as applicable; and all

tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than $4,000,000 per year over the grant term of ten years;

(d) for a project which creates 150 or more full-time jobs new to the municipality and makes a capital investment of at least $20,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than $5,000,000 per year over the grant term of ten years; or

(e) for a project which creates 250 or more full-time jobs new to the municipality and makes a capital investment of at least $30,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs as defined herein at that project divided by the ten-year grant term.

e. After the determination by the authority of the gross amount of tax credits for which a business is eligible pursuant to subsection d. of this section, the final total tax credit amount shall be calculated as follows: (1) for each new full-time job, the business shall be allowed tax credits equaling 100 percent of the gross amount of tax credits for each new full-time job; and (2) for each retained full-time job, the business shall be allowed tax credits equaling the lesser of 50 percent of the gross amount of tax credits for each retained full-time job, or one-tenth of the capital investment divided by the number of retained and new full-time jobs per year over the grant term of ten years, unless the jobs are part of a mega project which is the United States headquarters of an automobile manufacturer located within a priority area or in a Garden State Growth Zone, in which case the business shall be entitled to tax credits equaling 100 percent of the gross amount of tax credits for each retained full-time job, or unless the new qualified business facility would replace a facility that has been wholly or substantially damaged as a result of a federally-declared disaster, in which case the business shall be entitled to tax credits equaling 100 percent of the gross amount of tax credits for each retained full-time job.

(2) for a qualified business facility located within an urban transit hub municipality, the gross amount for each new or retained full-time job shall not exceed $12,000 per year;

(3) for a qualified business facility in a distressed municipality the gross amount for each new or retained full-time job shall not exceed $11,000 per year;

(4) for a qualified business facility in other priority areas, the gross amount for each new or retained full-time job shall not exceed $10,500 per year;

(5) for a qualified business facility in other eligible areas, the gross amount for each new or retained full-time job shall not exceed $6,000 per year; and

(6) for a disaster recovery project, the gross amount for each new or retained full-time job shall not exceed $2,000 per year.

Notwithstanding anything to the contrary set forth herein and in the provisions of subsections a. through f. of this section, but subject to the provisions of paragraph (1) of subsection f. of this section, for a project located within a Garden State Growth Zone which qualifies for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), which creates 35 or more full-time jobs new to the municipality, the total tax credit shall be:

(a) for a project which creates 35 or more full-time jobs new to the municipality and makes a capital investment of at least $5,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than $2,000,000 per year over the grant term of ten years;

(b) for a project which creates 70 or more full-time jobs new to the municipality and makes a capital investment of at least $10,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than $3,000,000 per year over the grant term of ten years;

(c) for a project which creates 100 or more full-time jobs new to the municipality and makes a capital investment of at least $15,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total

required for eligibility pursuant to subsection b. of section 3 of P.L.2011, c.149 (C.34:1B-244), an increase of $1,000 per year for each additional amount of investment that exceeds the minimum amount by 20 percent, with a maximum increase of $5,000 per year;

(11) for a project in which a business retains at least 400 jobs and is located within the municipality in which it was located immediately prior to the filing of the application hereunder and is the United States headquarters of an automobile manufacturer, an increase of $1,500 per year;

(12) for a project located in a municipality in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem counties with a 2007 Municipality Revitalization Index greater than 465, an increase of $1,000 per year;

(13) for a project located within a half-mile of any light rail station constructed after the effective date of P.L.2013, c.161 (C.52:27D-489p et al.), an increase of $1,000 per year;

(14) for a marine terminal project in a municipality located outside the Garden State Growth Zone, but within the geographical boundaries of the South Jersey Port District, an increase of $1,500 per year;

(15) for a project located within an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6), and which is located within a quarter mile of at least one United States Highway and at least two New Jersey State Highways, an increase of $1,500 per year;

(16) for a project that generates solar energy on site for use within the project of an amount that equals at least 50 percent of the project's electric supply service needs, an increase of $250 per year; and

(17) for a qualified business facility that includes a vacant commercial building having over 1,000,000 square feet of office or laboratory space available for occupancy for a period of over one year, an increase of $1,000 per year.

d. The gross amount of the tax credit for an eligible business for each new or retained full-time job shall be the sum of the base amount as set forth pursuant to subsection b. of this section and the various additional bonus amounts for which the business is eligible pursuant to subsection c. of this section, subject to the following limitations:

(1) for a mega project or a project in a Garden State Growth Zone, the gross amount for each new or retained full-time job shall not exceed $15,000 per year;

date a minimum of 20 percent of the full-time employees of the business, an increase of $500 per year;

(4) for a qualified business facility located within a transit oriented development, an increase of $2,000 per year;

(5) for a qualified business facility, other than a mega project, at which the capital investment in industrial premises for industrial use by the business is in excess of the minimum capital investment required for eligibility pursuant to subsection b. of section 3 of P.L.2011, c.149 (C.34:1B-244), an increase of $1,000 per year for each additional amount of investment that exceeds the minimum amount required for eligibility by 20 percent, with a maximum increase of $3,000 per year;

(6) for a business with new full-time jobs and retained full-time jobs at the project with an average salary in excess of the existing average salary for the county in which the project is located, or, in the case of a project in a Garden State Growth Zone, a business that employs full-time positions at the project with an average salary in excess of the average salary for the Garden State Growth Zone, an increase of $250 per year during the commitment period for each 35 percent by which the project's average salary levels exceeds the county or Garden State Growth Zone average salary, with a maximum increase of $1,500 per year;

(7) for a business with large numbers of new full-time jobs and retained full-time jobs during the commitment period, the increases shall be in accordance with the following schedule:

(a) if the number of new full-time jobs and retained full-time jobs is between 251 and 400, $500 per year;

(b) if the number of new full-time jobs and retained full-time jobs is between 401 and 600, $750 per year;

(c) if the number of new full-time jobs and retained full-time jobs is between 601 and 800, $1000 per year;

(d) if the number of new full-time jobs and retained full-time jobs is between 801 and 1,000, $1,250 per year;

(e) if the number of new full-time jobs and retained full-time jobs is in excess of 1,000, $1,500 per year;

(8) for a business in a targeted industry, an increase of $500 per year;

(9) for a qualified business facility exceeding the Leadership in Energy and Environmental Design's "Silver" rating standards or completes substantial environmental remediation, an additional increase of $250 per year;

(10) for a mega project or a project located within a Garden State Growth Zone at which the capital investment in industrial premises for industrial use by the business is in excess of the minimum capital investment

qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or any project located in a Garden State Growth Zone which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, and which will include a retail facility of at least 150,000 square feet, of which at least 50 percent will be occupied by either a full-service supermarket or grocery store, a business may assign its ability to apply for the tax credit under this subsection to the developer of the facility. The developer may make an application on behalf of the business which meets the requirements for the tax credit, or a group of non-qualifying businesses located at the business facility, that shall be considered a unified project for the purposes of the incentives provided under this section, and the developer may apply for tax credits available based on the number of jobs provided by the business or businesses and the total capital investment of the business or businesses and the developer.

b. The base amount of the tax credit for each new or retained full-time job shall be as follows:

(1) for a qualified business facility located within an urban transit hub municipality or Garden State Growth Zone or is a mega project, $5,000 per year;

(2) for a qualified business facility located within a distressed municipality but not qualifying under paragraph (1) of this subsection, $4,000 per year;

(3) for a project in a priority area, $3,000 per year; and

(4) for a project in other eligible areas, $500 per year.

c. In addition to the base amount of the tax credit, the amount of the tax credit to be awarded for each new or retained full-time job shall be increased if the qualified business facility meets any of the following priority criteria or other additional or replacement criteria determined by the authority from time to time in response to evolving economic or market conditions:

(1) for a qualified business facility located in a deep poverty pocket or in an area that is the subject of a Choice Neighborhoods Transformation Plan funded by the federal Department of Housing and Urban Development, an increase of $1,500 per year;

(2) for a qualified business facility located in a qualified incubator facility, an increase of $500 per year;

(3) for a qualified business facility located in a mixed-use development that incorporates sufficient moderate income housing on site to accommo-

trict as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219), or catalog distribution centers shall not be considered point-of-final-purchase retail facilities.

f. The authority may determine as eligible for tax credits under the program any business that is required to respond to a request for proposals and to fulfill a contract with the federal government although the business's chief executive officer or equivalent officer has not demonstrated to the authority that the award of tax credits will be a material factor in the business's decision to retain the minimum number of retained full-time jobs, as otherwise required by this section. The authority may, in its discretion, consider the economic benefit of the retained jobs servicing the contract in conducting a net benefit analysis required by paragraph (4) of subsection a. of this section. For the purposes of this subsection, "retained full-time jobs" includes jobs that are at risk of being eliminated. Applications to the authority for eligibility under the program pursuant to the criteria set forth in this subsection shall be completed by December 31, 2013. Submission of a proposal to the federal government prior to authority approval shall not disqualify a business from the program.

g. Nothing shall preclude a business from applying for tax credits under the program for more than one project pursuant to one or more applications.

4. Section 5 of P.L.2011, c.149 (C.34:1B-246) is amended to read as follows:

C.34:1B-246 Total amount of tax credit for eligible business.

5. a. The total amount of tax credit for an eligible business for each new or retained full-time job shall be as set forth in subsections b. through f. of this section. The total tax credit amount shall be calculated and credited to the business annually for each year of the eligibility period. Notwithstanding any other provisions of P.L.2013, c.161 (C.52:27D-489p et al.), a business may assign its ability to apply for the tax credit under this subsection to a non-profit organization with a mission dedicated to attracting investment and completing development and redevelopment projects in a Garden State Growth Zone. The non-profit organization or organization operating a qualified incubator facility may make an application on behalf of a business which meets the requirements for the tax credit, or a group of non-qualifying businesses or positions, located at a qualified business facility, that shall be considered a unified project for the purposes of the incentives provided under this section. For any project located in a Garden State Growth Zone that

extent they exist. Based on this information, and any other information deemed relevant by the authority, the authority shall independently verify and confirm, by way of making a factual finding by separate vote of the authority's board, the business's assertion that the jobs are actually at risk of leaving the State, and as to the date or dates at which the authority expects that those jobs would actually leave the State, or, with respect to projects located in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or projects located in a Garden State Growth Zone which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, the business's assertion that the provision of tax credits under the program is a material factor in the business's decision to make a capital investment and locate in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or in a Garden State Growth Zone which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, before a business may be awarded any tax credits under this section.

e. A project that consists solely of point-of-final-purchase retail facilities shall not be eligible for a grant of tax credits. If a project consists of both point-of-final-purchase retail facilities and non-retail facilities, only the portion of the project consisting of non-retail facilities shall be eligible for a grant of tax credits. For a qualified business facility that is a mixed-use project that includes retail facilities and that is located in a Garden State Growth Zone or the Atlantic City Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, retail facilities in an amount up to 7.5 percent of the mixed-use project may be included in the mixed-use project application for a grant of tax credits along with the non-retail facilities, and that application may include in the aggregate the pro-rata number of full-time employees employed by any number of tenants or other occupants of the included retail facilities. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility shall not be eligible for a grant of tax credits. For the purposes of this section, a retail facility of at least 150,000 square feet, of which at least 50 percent is occupied by a full-service supermarket or grocery store, located in a Garden State Growth Zone which qualified under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or a tourism destination project in the Atlantic City Tourism Dis-

(3) for any other business, a minimum of 35 new or 50 retained full-time jobs.

The minimum number of new or retained full-time jobs required by this subsection shall be reduced by one-quarter for projects located in a Garden State Growth Zone or projects located within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties.

d. To assist the authority in determining whether a proposed capital investment will yield a net positive benefit, the business's chief executive officer, or equivalent officer, shall submit a certification to the authority indicating: (1) that any existing full-time jobs are at risk of leaving the State or being eliminated; (2) that any projected creation or retention, as applicable, of new full-time jobs would not occur but for the provision of tax credits under the program; and (3) that the business's chief executive officer, or equivalent officer, has reviewed the information submitted to the authority and that the representations contained therein are accurate, provided however, that in satisfaction of the provisions of paragraphs (1) and (2) of this subsection, the certification with respect to a project in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or a project located in a Garden State Growth Zone which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, shall indicate that the provision of tax credits under the program is a material factor in the business decision to make a capital investment and locate in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or a Garden State Growth Zone which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority. In the event that this certification by the business's chief executive officer, or equivalent officer, is found to be willfully false, the authority may revoke any award of tax credits in their entirety, which revocation shall be in addition to any other criminal or civil penalties that the business and the officer may be subject to. When considering an application involving intra-State job transfers, the authority shall require the business to submit the following information as part of its application: a full economic analysis of all locations under consideration by the business; all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations; and all lease agreements, ownership documents, or substantially similar documentation for the potential out-of-State location alternatives, to the

cremental sales and excise taxes that are derived from activities within the area and which are rebated or retained by the municipality pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) or any other law providing for such rebate or retention; and

(4) except as provided in subsection f. of this section, the award of tax credits will be a material factor in the business's decision to create or retain the minimum number of new or retained full-time jobs for eligibility under the program.

With respect to the provisions of paragraph (3) of this subsection, in the case of a project located in a Garden State Growth Zone, the authority, in its discretion, may award bonuses in its net positive benefit calculation.

b. For all projects approved after the effective date of P.L.2013, c.161, the minimum capital investment required to be eligible under this program shall be as follows:

(1) for the rehabilitation, improvement, fit-out, or retrofit of an existing industrial, warehousing, logistics, or research and development premises for continued similar use by the business in at least 51 percent of the gross leasable area of the premises, a minimum investment of $20 per square foot of gross leasable area;

(2) for the new construction of an industrial, warehousing, logistics, or research and development premises for similar use by the business in at least 51 percent of the gross leasable area of the premises, a minimum investment of $60 per square foot of gross leasable area;

(3) for the rehabilitation, improvement, fit-out, or retrofit of an existing premises that does not qualify pursuant to paragraph (1) or (2) of this subsection, a minimum investment of $40 per square foot of gross leasable area; and

(4) for the new construction of a premises that does not qualify pursuant to paragraph (1) or (2) of this subsection, a minimum investment of $120 per square foot of gross leasable area.

The minimum capital investment required by this subsection shall be reduced by one-third for projects located in a Garden State Growth Zone or projects located within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties.

c. The minimum number of new or retained full-time jobs required to be eligible under this program shall be as follows:

(1) for a business that is a technology startup company or a manufacturing company, a minimum of 10 new or 25 retained full-time jobs;

(2) for a business engaged primarily in a targeted industry other than a technology startup company or a manufacturing company, a minimum of 25 new or 35 retained full-time jobs; and

the program may provide tax credits to eligible businesses for an eligibility period not to exceed 10 years.

To be eligible for any tax credits pursuant to P.L.2011, c.149 (C.34:1B-242 et al.), a business's chief executive officer or equivalent officer shall demonstrate to the authority, at the time of application, that:

(1) the business, expressly including its landlord or seller, will make, acquire, or lease a capital investment equal to, or greater than, the applicable amount set forth in subsection b. of this section at a qualified business facility at which it will:

(a) retain full-time jobs in an amount equal to or greater than the applicable number set forth in subsection c. of this section;

(b) create new full-time jobs in an amount equal to or greater than the applicable number set forth in subsection c. of this section; or

(c) in combination, retain full-time jobs and create new full-time jobs in an amount equal to or greater than the applicable number set forth in subsection c. of this section;

(2) the qualified business facility shall be constructed in accordance with the minimum environmental and sustainability standards;

(3) the capital investment resultant from the award of tax credits and the resultant retention and creation of full-time jobs will yield a net positive benefit to the State equaling at least 110 percent of the requested tax credit allocation amount, which determination is calculated prior to taking into account the value of the requested tax credit and shall be based on the benefits generated during the first 20 years following the completion of the project, except that:

(a) for a mega project or a project located in a Garden State Growth Zone, the determination shall be based on the benefits generated during a period of up to 30 years following the completion of the project, as determined by the authority, and

(b) for a project located in a Garden State Growth Zone which qualified for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), the net positive benefit determination shall be based on the benefits generated during a period of up to 35 years following completion of the project, as determined by the authority, and shall equal at least 100 percent of the requested tax credit allocation amount and may utilize the value of those property taxes subject to the provisions of section 24 of P.L.2013 c.161 (C.52:27D-489s), or the value of those property taxes that would have been assessed on the new construction, improvements, or substantial rehabilitation of structures on real property if the structures were not exempt because they are on real property owned by a public entity, and in-

proprietary technology or business method of a high-technology or life science-related product, process, or service which the business intends to move to commercialization.

"Tourism destination project" means a qualified non-gaming business facility that will be among the most visited privately owned or operated tourism or recreation sites in the State, and which is located within the qualified incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance, including a non-gaming business within an established Tourism District with a significant impact on the economic viability of that District.

"Transit oriented development" means a qualified business facility located within a 1/2-mile radius, or one-mile radius for projects located in a Garden State Growth Zone, surrounding the mid-point of a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station platform area, including all light rail stations.

"Urban transit hub" means an urban transit hub, as defined in section 2 of P.L.2007, c.346 (C.34:1B-208), that is located within an eligible municipality, as defined in section 2 of P.L.2007, c.346 (C.34:1B-208) and also located within a qualified incentive area.

"Urban transit hub municipality" means a municipality: a. which qualifies for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), or which has continued to be a qualified municipality thereunder pursuant to P.L.2007, c.111; and b. in which 30 percent or more of the value of real property was exempt from local property taxation during tax year 2006. The percentage of exempt property shall be calculated by dividing the total exempt value by the sum of the net valuation which is taxable and that which is tax exempt.

3. Section 3 of P.L.2011, c.149 (C.34:1B-244) is amended to read as follows:

C.34:1B-244 Grow New Jersey Assistance Program.

3. a. The Grow New Jersey Assistance Program is hereby established as a program under the jurisdiction of the New Jersey Economic Development Authority and shall be administered by the authority. The purpose of the program is to encourage economic development and job creation and to preserve jobs that currently exist in New Jersey but which are in danger of being relocated outside of the State. To implement this purpose,

(f) any area on which an existing tourism destination project is located.

"Qualified incentive area" shall not include any property located within the preservation area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3).

"Qualified incubator facility" means a commercial building located within a qualified incentive area: which contains 50,000 or more square feet of office, laboratory, or industrial space; which is located near, and presents opportunities for collaboration with, a research institution, teaching hospital, college, or university; and within which, at least 50 percent of the gross leasable area is restricted for use by one or more technology startup companies during the commitment period.

"Retained full-time job" means an eligible position that currently exists in New Jersey and is filled by a full-time employee but which, because of a potential relocation by the business, is at risk of being lost to another state or country, or eliminated. For the purposes of determining a number of retained full-time jobs, the eligible positions of an affiliate shall be considered eligible positions of the business. For the purposes of the certifications and annual reports required in the incentive agreement pursuant to subsection e. of section 4 of P.L.2011, c.149 (C.34:1B-245), to the extent an eligible position that was the basis of the award no longer exists, a business shall include as a retained full-time job a new eligible position that is filled by a full-time employee provided that the position is included in the order of date of hire and is not the basis for any other incentive award. For a project located in a Garden State Growth Zone which qualified for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), retained full-time job shall include any employee previously employed in New Jersey and transferred to the new location in the Garden State Growth Zone which qualified for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.).

"SDA district" means an SDA district as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3).

"SDA municipality" means a municipality in which an SDA district is situate.

"Targeted industry" means any industry identified from time to time by the authority including initially, a transportation, manufacturing, defense, energy, logistics, life sciences, technology, health, and finance business, but excluding a primarily warehouse or distribution business.

"Technology startup company" means a for profit business that has been in operation fewer than five years and is developing or possesses a

to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21);

(3) located within any land owned by the New Jersey Sports and Exposition Authority, established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack Meadowlands District as delineated in section 4 of P.L.1968, c.404 (C.13:17-4);

(4) located within a regional growth area, town, village, or a military and federal installation area designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);

(5) located within the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands development credit receiving area or redevelopment area;

(6) located within a Garden State Growth Zone;

(7) located within land approved for closure under any federal Commission on Base Realignment and Closure action; or

(8) located only within the following portions of the areas designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) is located within:

(a) a designated center under the State Development and Redevelopment Plan;

(b) a designated growth center in an endorsed plan until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition as it pertains to Statewide planning areas;

(c) any area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) or in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14);

(d) any area on which a structure exists or previously existed including any desired expansion of the footprint of the existing or previously existing structure provided such expansion otherwise complies with all applicable federal, State, county, and local permits and approvals;

(e) the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands development credit receiving area or redevelopment area; or

c. are the proposed site of a disaster recovery project, a qualified incubator facility, a highlands development credit receiving area or redevelopment area, a tourism destination project, or transit oriented development; or

d. contain: a vacant commercial building having over 400,000 square feet of office, laboratory, or industrial space available for occupancy for a period of over one year; or a site that has been negatively impacted by the approval of a "qualified business facility," as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).

"Professional employer organization" means an employee leasing company registered with the Department of Labor and Workforce Development pursuant to P.L.2001, c.260 (C.34:8-67 et seq.).

"Program" means the "Grow New Jersey Assistance Program" established pursuant to section 3 of P.L.2011, c.149 (C.34:1B-244).

"Qualified business facility" means any building, complex of buildings or structural components of buildings, and all machinery and equipment located within a qualified incentive area, used in connection with the operation of a business that is not engaged in final point of sale retail business at that location unless the building, complex of buildings or structural components of buildings, and all machinery and equipment located within a qualified incentive area, are used in connection with the operation of:

a. a final point of sale retail business located in a Garden State Growth Zone that will include a retail facility of at least 150,000 square feet, of which at least 50 percent is occupied by either a full-service supermarket or grocery store; or

b. a tourism destination project located in the Atlantic City Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219).

"Qualified incentive area" means:

a. an aviation district;

b. a port district;

c. a distressed municipality or urban transit hub municipality;

d. an area (1) designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as:

(a) Planning Area 1 (Metropolitan);

(b) Planning Area 2 (Suburban); or

(c) Planning Area 3 (Fringe Planning Area);

(2) located within a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6) or subject

"Moderate-income housing" means housing affordable, according to United States Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

"Municipal Revitalization Index" means the 2007 index by the Office for Planning Advocacy within the Department of State measuring or ranking municipal distress.

"New full-time job" means an eligible position created by the business at the qualified business facility that did not previously exist in this State. For the purposes of determining a number of new full-time jobs, the eligible positions of an affiliate shall be considered eligible positions of the business.

"Other eligible area" means the portions of the qualified incentive area that are not located within a distressed municipality, or the priority area.

"Partnership" means an entity classified as a partnership for federal income tax purposes.

"Port district" means the portions of a qualified incentive area that are located within:

a. the "Port of New York District" of the Port Authority of New York and New Jersey, as defined in Article II of the Compact Between the States of New York and New Jersey of 1921; or

b. a 15-mile radius of the outermost boundary of each marine terminal facility established, acquired, constructed, rehabilitated, or improved by the South Jersey Port District established pursuant to "The South Jersey Port Corporation Act," P.L.1968, c.60 (C.12:11A-1 et seq.).

"Priority area" means the portions of the qualified incentive area that are not located within a distressed municipality and which:

a. are designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), a designated center under the State Development and Redevelopment Plan, or a designated growth center in an endorsed plan until June 30, 2013, or until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition;

b. intersect with portions of: a deep poverty pocket, a port district, or federally-owned land approved for closure under a federal Commission on Base Realignment and Closure action;

"Incentive effective date" means the date the authority issues a tax credit based on documentation submitted by a business pursuant to paragraph (1) of subsection b. of section 6 of P.L.2011, c.149 (C.34:1B-247).

"Major rail station" means a railroad station located within a qualified incentive area which provides access to the public to a minimum of six rail passenger service lines operated by the New Jersey Transit Corporation.

"Mega project" means:

a. a qualified business facility located in a port district housing a business in the logistics, manufacturing, energy, defense, or maritime industries, either:

(1) having a capital investment in excess of $20,000,000, and at which more than 250 full-time employees of such business are created or retained, or

(2) at which more than 1,000 full-time employees of such business are created or retained;

b. a qualified business facility located in an aviation district housing a business in the aviation industry, in a Garden State Growth Zone, or in a priority area housing the United States headquarters and related facilities of an automobile manufacturer, either:

(1) having a capital investment in excess of $20,000,000, and at which more than 250 full-time employees of such business are created or retained, or

(2) at which more than 1,000 full-time employees of such business are created or retained;

c. a qualified business facility located in an urban transit hub housing a business of any kind, having a capital investment in excess of $50,000,000, and at which more than 250 full-time employees of a business are created or retained; or

d. a project located in an area designated in need of redevelopment, pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.) prior to the enactment of P.L.2014, c.63 (C.34:1B-251 et al.) within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties having a capital investment in excess of $20,000,000, and at which more than 150 full-time employees of a business are created or retained.

"Minimum environmental and sustainability standards" means standards established by the authority in accordance with the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-efficient technology, and non-renewable resources in order to reduce environmental degradation and encourage long-term cost reduction.

For any project located in a Garden State Growth Zone which qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or any project located in the Atlantic City Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, and which will include a retail facility of at least 150,000 square feet, of which at least 50 percent will be occupied by either a full-service supermarket or grocery store, 30 hours of employment per week at a qualified business facility shall constitute one "full-time employee," regardless of whether or not the hours of work were performed by one or more persons, and the requirement that employee health benefits are to be provided shall be deemed to be satisfied if the employees of the business are covered by a collective bargaining agreement.

"Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business. Full-time employee shall also not include any person who at the time of project application works in New Jersey for consideration for at least 35 hours per week, or who renders any other standard of service generally accepted by custom or practice as full-time employment but who prior to project application was not provided, by the business, with employee health benefits under a health benefits plan authorized pursuant to State or federal law.

"Garden State Growth Zone" or "growth zone" means the four New Jersey cities with the lowest median family income based on the 2009 American Community Survey from the US Census, (Table 708. Household, Family, and Per Capita Income and Individuals, and Families Below Poverty Level by City: 2009); or a municipality which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority.

"Highlands development credit receiving area or redevelopment area" means an area located within a qualified incentive area and designated by the Highlands Water Protection and Planning Council for the receipt of Highlands Development Credits under the Highlands Transfer Development Rights Program authorized pursuant to section 13 of P.L.2004, c.120 (C.13:20-13).

"Incentive agreement" means the contract between the business and the authority, which sets forth the terms and conditions under which the business shall be eligible to receive the incentives authorized pursuant to the program.

of not more than 10 years, with the term to be determined solely at the discretion of the applicant.

"Eligible position" or "full-time job" means a full-time position in a business in this State which the business has filled with a full-time employee.

"Full-time employee" means a person:

a. who is employed by a business for consideration for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, or

b. who is employed by a professional employer organization pursuant to an employee leasing agreement between the business and the professional employer organization, in accordance with P.L.2001, c.260 (C.34:8-67 et seq.) for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., or

c. who is a resident of another State but whose income is not subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or who is a partner of a business who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., and

d. who, except for purposes of the Statewide workforce, is provided, by the business, with employee health benefits under a health benefits plan authorized pursuant to State or federal law.

With respect to a logistics, manufacturing, energy, defense, aviation, or maritime business, excluding primarily warehouse or distribution operations, located in a port district having a container terminal:

the requirement that employee health benefits are to be provided shall be deemed to be satisfied if such benefits are provided in accordance with industry practice by a third party obligated to provide such benefits pursuant to a collective bargaining agreement;

full-time employment shall include, but not be limited to, employees that have been hired by way of a labor union hiring hall or its equivalent;

35 hours of employment per week at a qualified business facility shall constitute one "full-time employee," regardless of whether or not the hours of work were performed by one or more persons.

capital investment described herein may include any capital investment made or acquired within 24 months prior to the date of application so long as the amount of capital investment made or acquired by the business, any affiliate of the business, or any owner after the date of application equals at least 50 percent of the amount of capital investment, allocated to the premises of the qualified business facility being acquired or leased on the basis of the gross leasable area of such premises in relation to the total gross leasable area in the qualified business facility made or acquired prior to the date of application.

"Commitment period" means the period of time that is 1.5 times the eligibility period.

"Deep poverty pocket" means a population census tract having a poverty level of 20 percent or more, and which is located within the qualified incentive area and has been determined by the authority to be an area appropriate for development and in need of economic development incentive assistance.

"Disaster recovery project" means a project located on property that has been wholly or substantially damaged or destroyed as a result of a federally-declared disaster which, after utilizing all disaster funds available from federal, State, county, and local funding sources, demonstrates to the satisfaction of the authority that access to additional funding authorized pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), is necessary to complete such redevelopment project, and which is located within the qualified incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance.

"Distressed municipality" means a municipality that is qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality identified by the Director of the Division of Local Government Services in the Department of Community Affairs to be facing serious fiscal distress, a SDA municipality, or a municipality in which a major rail station is located.

"Eligibility period" means the period in which a business may claim a tax credit under the Grow New Jersey Assistance Program, beginning with the tax period in which the authority accepts certification of the business that it has met the capital investment and employment requirements of the Grow New Jersey Assistance Program and extending thereafter for a term

a non-profit corporation.

If the business or tenant is a cooperative or part of a cooperative, then the cooperative may qualify for credits by counting the full-time employees and capital investments of its member organizations, and the cooperative may distribute credits to its member organizations. If the business or tenant is a cooperative that leases to its member organizations, the lease shall be treated as a lease to an affiliate or affiliates.

A business shall include an affiliate of the business if that business applies for a credit based upon any capital investment made by or full-time employees of an affiliate.

"Capital investment" in a qualified business facility means expenses by a business or any affiliate of the business incurred after application for:

a. site preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property;

b. obtaining and installing furnishings and machinery, apparatus, or equipment, including but not limited to material goods subject to bonus depreciation under sections 168 and 179 of the federal Internal Revenue Code (26 U.S.C. s.168 and s.179), for the operation of a business on real property or in a building, structure, facility, or improvement to real property;

c. receiving Highlands Development Credits under the Highlands Transfer Development Rights Program authorized pursuant to section 13 of P.L.2004, c.120 (C.13:20-13); or

d. any of the foregoing.

In addition to the foregoing, in a Garden State Growth Zone, the following qualify as a capital investment: any and all development, redevelopment and relocation costs, including, but not limited to, site acquisition if made within 24 months of application to the authority, engineering, legal, accounting, and other professional services required; and relocation, environmental remediation, and infrastructure improvements for the project area, including, but not limited to, on- and off-site utility, road, pier, wharf, bulkhead, or sidewalk construction or repair.

In addition to the foregoing, if a business acquires or leases a qualified business facility, the capital investment made or acquired by the seller or owner, as the case may be, if pertaining primarily to the premises of the qualified business facility, shall be considered a capital investment by the business and, if pertaining generally to the qualified business facility being acquired or leased, shall be allocated to the premises of the qualified business facility on the basis of the gross leasable area of the premises in relation to the total gross leasable area in the qualified business facility. The

counting to present value which shall be permitted. Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability shall be subject to the same limitations and conditions that apply to the use of the credit by the business that originally applied for and was allowed the credit.

2. Section 2 of P.L.2011, c.149 (C.34:1B-243) is amended to read as follows:

C.34:1B-243 Definitions relative to the "Grow New Jersey Assistance Act."

2. As used in P.L.2011, c.149 (C.34:1B-242 et seq.):

"Affiliate" means an entity that directly or indirectly controls, is under common control with, or is controlled by the business. Control exists in all cases in which the entity is a member of a controlled group of corporations as defined pursuant to section 1563 of the Internal Revenue Code of 1986 (26 U.S.C.s.1563) or the entity is an organization in a group of organizations under common control as defined pursuant to subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 (26 U.S.C.s.414). A taxpayer may establish by clear and convincing evidence, as determined by the Director of the Division of Taxation in the Department of the Treasury, that control exists in situations involving lesser percentages of ownership than required by those statutes. An affiliate of a business may contribute to meeting either the qualified investment or full-time employee requirements of a business that applies for a credit under section 3 of P.L.2007, c.346 (C.34:1B-209).

"Authority" means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

"Aviation district" means the area within a one-mile radius of the outermost boundary of the "Atlantic City International Airport," established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-24).

"Business" means an applicant proposing to own or lease premises in a qualified business facility that is:

a corporation that is subject to the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5);

a corporation that is subject to the tax imposed pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15) or N.J.S.17B:23-5;

a partnership;

an S corporation;

a limited liability company; or

Repealer.

5. Sections 1 through 6 of P.L.2011, c.231 (C.5:12A-1 through C.5:12A-6) are repealed.

6. This act shall take effect immediately.

Approved October 17, 2014.

CHAPTER 63

AN ACT concerning incentives for certain economic development projects and designated as the Economic Opportunity Act of 2014, Part 3, amending P.L.2009, c.90, P.L.2011, c.149, and P.L.2013, c.161, and supplementing P.L.1974, c.80 (C.34:1B-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 33 of P.L.2009, c.90 (C.34:1B-209.1) is amended to read as follows:

C.34:1B-209.1 Application for tax credit transfer certificate.

33. A business may apply to the Director of the Division of Taxation in the Department of the Treasury and the executive director of the authority for a tax credit transfer certificate, covering one or more years, in lieu of the business being allowed any amount of the credit against the tax liability of the business. The tax credit transfer certificate, upon receipt thereof by the business from the director and the executive director of the authority, may be sold or assigned, in full or in part, in an amount not less than $25,000 of tax credits to any other person that may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5. The certificate provided to the business shall include a statement waiving the business's right to claim that amount of the credit against the taxes that the business has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed under this section shall not be exchanged for consideration received by the business of less than 75 percent of the transferred credit amount before considering any further dis-

"running or harness horse racetrack" means the physical facility where a horse race meeting with parimutuel wagering is conducted and includes any former racetrack where such a meeting was conducted within 15 years prior to the effective date of this act, excluding premises other than those where the racecourse itself was located.

C.5:12A-8 Construction of act.

2. The provisions of this act P.L.2014, c.62 (C.5:12A-7 et al.), are not intended and shall not be construed as causing the State to sponsor, operate, advertise, promote, license, or authorize by law or compact the placement or acceptance of any wager on any professional, collegiate, or amateur sport contest or athletic event but, rather, are intended and shall be construed to repeal State laws and regulations prohibiting and regulating the placement and acceptance, at a casino or gambling house operating in this State in Atlantic City or a running or harness horse racetrack in this State, of wagers on professional, collegiate, or amateur sport contests or athletic events by persons 21 years of age or older situated at such locations.

3. Section 24 of P.L.1977, c.110 (C.5:12-24) is amended to read as follows:

C.5:12-24 "Gross revenue."

24. "Gross Revenue"-- The total of all sums actually received by a casino licensee from gaming operations, less only the total of all sums actually paid out as winnings to patrons; provided, however, that the cash equivalent value of any merchandise or thing of value included in a jackpot or payout shall not be included in the total of all sums paid out as winnings to patrons for purposes of determining gross revenue. "Gross Revenue" shall not include any amount received by a casino from casino simulcasting pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.).

C.5:12A-9 Severability.

4. The provisions of this act, P.L.2014, c.62 (C.5:12A-7 et al.), shall be deemed to be severable, and if any phrase, clause, sentence, word or provision of this act is declared to be unconstitutional, invalid, preempted or inoperative in whole or in part, or the applicability thereof to any person is held invalid, by a court of competent jurisdiction, the remainder of this act shall not thereby be deemed to be unconstitutional, invalid, preempted or inoperative and, to the extent it is not declared unconstitutional, invalid, preempted or inoperative, shall be effectuated and enforced.

6. This act shall take effect immediately.

Approved October 6, 2014.

CHAPTER 62

AN ACT partially repealing the prohibitions, permits, licenses, and authorizations concerning wagers on professional, collegiate, or amateur sport contests or athletic events, deleting a portion of P.L.1977, c.110, and repealing sections 1 through 6 of P.L.2011, c.231.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.5:12A-7 Certain provisions repealed relative to wagers on certain sports contests, athletic events.

1. The provisions of chapter 37 of Title 2C of the New Jersey Statutes, chapter 40 of Title 2A of the New Jersey Statutes, chapter 5 of Title 5 of the Revised Statutes, and P.L.1977, c.110 (C.5:12-1 et seq.), as amended and supplemented, and any rules and regulations that may require or authorize any State agency to license, authorize, permit or otherwise take action to allow any person to engage in the placement or acceptance of any wager on any professional, collegiate, or amateur sport contest or athletic event, or that prohibit participation in or operation of a pool that accepts such wagers, are repealed to the extent they apply or may be construed to apply at a casino or gambling house operating in this State in Atlantic City or a running or harness horse racetrack in this State, to the placement and acceptance of wagers on professional, collegiate, or amateur sport contests or athletic events by persons 21 years of age or older situated at such location or to the operation of a wagering pool that accepts such wagers from persons 21 years of age or older situated at such location, provided that the operator of the casino, gambling house, or running or harness horse racetrack consents to the wagering or operation.

As used in this act, P.L.2014, c.62 (C.5:12A-7 et al.):

"collegiate sport contest or athletic event" shall not include a collegiate sport contest or collegiate athletic event that takes place in New Jersey or a sport contest or athletic event in which any New Jersey college team participates regardless of where the event takes place; and

categorical aid equal to the percentage of the district's special education students enrolled in the renaissance school project, and if applicable 100% of preschool education aid. The district shall also pay directly to the renaissance school project any federal funds attributable to the student.

f. Renaissance school projects shall be required to meet the same testing and academic performance standards established by law and regulation for public school students, and shall meet any additional testing and academic performance standards established by the nonprofit entity and approved by the commissioner.

g. The nonprofit entity shall have complete discretion in naming the renaissance school project. The nonprofit entity may not realize a net profit from its operation of a renaissance school project. A private or parochial school shall not be eligible for renaissance school project status.

h. A nonprofit entity shall operate a renaissance school project in accordance with the contract entered into pursuant to section 6 of this act, the provisions of this act, and the laws and regulations that govern charter schools which are not inconsistent with this act.

4. Section 10 of P.L.2013, c.149 (C.18A:36C-19) is amended to read as follows:

C.18A:36C-19 Exemption from certain facility efficiency standards.

10. Notwithstanding the provisions of any law, rule, or regulation to the contrary, a renaissance school project shall not be subject to the facility efficiency standards developed by the Commissioner of Education pursuant to subsection h. of section 4 of P.L.2000, c. 72 (C.18A:7G-4) or any other public school facility regulations, except those pertaining to the health and safety of the pupils.

C.18A:36C-7.1 Funding for temporary facility.

5. Notwithstanding the provisions of subsection e. of section 7 of P.L.2011, c.176 (C.18A:36C-7) to the contrary, if after approval, a renaissance school project is located in a temporary facility pending completion of the newly constructed facility or substantially reconstructed facility, the renaissance school project shall be funded pursuant to subsection b. of section 12 of P.L.1995, c.426 (C.18A:36A-12) until it has obtained final site plan approval for the newly constructed facility or begun construction on the facility to be substantially reconstructed, provided that a renaissance school project shall not be located in a temporary facility for more than three years.

3. Section 7 of P.L.2011, c.176 (C.18A:36C-7) is amended to read as follows:

C.18A:36C-7 Renaissance schools considered public schools.

7. a. Notwithstanding that a renaissance school project shall be constructed, controlled, operated, and managed by a nonprofit entity, and not the local board of education, it shall be a public school. However nothing contained herein shall restrict a for-profit entity from constructing a renaissance school project, or a renaissance school project from being located on land owned by a for-profit entity. Further, the renaissance school project shall be authorized to retain any business entity, however formed, whose primary purpose is the staffing, operation, and management of elementary schools, middle schools, or high schools in the United States, except as it relates to instructional services.

b. The costs of a renaissance school project including, but not limited to, the costs of land acquisition, site remediation, site development, design, construction, and any other costs required to place into service the school facility or facilities constituting the renaissance school project shall be at the sole expense of the nonprofit entity. The nonprofit entity may use State funds to pay for a lease, debt service, or mortgage for any facility constructed or otherwise acquired.

c. Notwithstanding the provisions of the "Educational Facilities Construction and Financing Act," P.L.2000, c.72 (C.18A:7G-1 et al.), or any other law or regulation to the contrary, there shall be no State share for the costs of a renaissance school project.

d. Notwithstanding the provisions of the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., or any other law or regulation to the contrary, the nonprofit entity or any entity acting in cooperation with a renaissance school project shall not be subject to public bidding for goods and services, and any contracts entered into by the nonprofit entity shall not be deemed public contracts or public works; except that any contract entered into by the nonprofit entity or any entity acting in cooperation with a renaissance school project shall be deemed a public work for the purposes of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), and subject to the applicable provisions of that act.

e. The renaissance school district in which a renaissance school project is located shall pay to the nonprofit entity in 12 equal monthly installments an amount per pupil equal to 95% of the district's per pupil expenditure. In addition the 12 monthly installments shall include the security categorical aid attributable to the student, a percentage of the district's special education

(5) the admission policy and criteria for evaluating the admission of students to the renaissance school project, which shall comply with the provisions of section 8 of this act;

(6) the age or grade range of students to be enrolled in the renaissance school project;

(7) the total number of students to be enrolled in each grade level of the renaissance school project;

(8) the renaissance school project calendar and school day schedule;

(9) the financial plan for the renaissance school project and the provisions that will be made for auditing pursuant to N.J.S.18A:23-1;

(10) a description of, and address for, the initial school facility in which the renaissance school project will be located and an affirmation that any other school facility or facilities in which the renaissance school project will be located will be in the required urban campus area. For any school facility other than the initial school facility included in the application pursuant to this paragraph, the nonprofit entity shall notify the Commissioner of Education of the location of the facility at least one year prior to the opening of the facility;

(11) documentation that the proposed renaissance school project meets school facility regulations promulgated by the State Board of Education pertaining to the health and safety of the pupils;

(12) documentation of a funding plan to acquire necessary lands and to construct a renaissance school project thereon, including the terms of any financing secured for such purpose;

(13) (Deleted by amendment, P.L.2013, c.149)

(14) identification of the attendance area of the renaissance school project, if the renaissance school project will not be built on land owned by the New Jersey Schools Development Authority or the renaissance school district;

(15) a description of the process employed by the renaissance school district to find and partner with the chosen nonprofit entity to create a renaissance school project. The description shall be sufficient to show that the process employed by the renaissance school district was open, fair, and subject to public input and comment. The description shall, at a minimum, include any requests for proposals issued by the renaissance school district, the number of responses received, and the process and criteria employed by the renaissance school district to select the chosen nonprofit entity among the respondents; and

(16) such other information as the commissioner may require.

school project no later than three years following the effective date of P.L.2011, c.176 (C.18A:36C-1 et seq.); except that in the case of a project to be located in a renaissance school district which is in a municipality that is subject to the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), the application must be submitted no later than four years following the effective date of P.L.2011, c.176 (C.18A:36C-1 et seq.). A nonprofit entity seeking to create a renaissance school project shall have experience in operating a school in a high-risk, low-income urban district. In addition, an entity retained by the nonprofit entity for the purpose of financing or constructing the renaissance school project shall also have appropriate experience.

b. The application shall be in a form prescribed by the commissioner, but at a minimum it shall contain the following:

(1) except as otherwise provided in this paragraph, a resolution adopted in a public meeting by the board of education of the renaissance school district in which the renaissance school project will be located certifying the support of the board for the application. In the case of a district under full or partial State intervention with an advisory board of education, the application shall contain evidence that that State district superintendent or superintendent, as applicable, convened at least three public meetings to discuss the merits of the renaissance school project. The evidence shall include, at a minimum, any written public comments received during those meetings. In the case of these districts, the application shall contain a resolution from the advisory board of education reflecting the board's approval or disapproval of the renaissance school project. While a successful application does not require approval from the advisory board of education, the commissioner, in considering the application, shall give due consideration to any disapproval from the advisory board;

(2) a copy of the amendment to the renaissance school district's long-range facilities plan which has been submitted to the commissioner pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4) that includes the proposed renaissance school project;

(3) the educational goals of the renaissance school project, the curriculum to be offered, and the methods of assessing whether students are meeting the proffered educational goals;

(4) any testing and academic performance standards to be mandated by the renaissance school project beyond those required by State law and regulation;

general fund tax levy per pupil inflated by the CPI rate most recent to the calculation.

"School facility" means and includes any structure, building, or facility used wholly or in part for educational purposes by the students of a school district.

"Renaissance school district" is a failing district in which renaissance school projects shall be established.

"Renaissance school project" means a newly-constructed school, or group of schools in an urban campus area, that provides an educational program for students enrolled in grades pre-K through 12 or in a grade range less than pre-K through 12, that is agreed to by the school district, and is operated and managed by a nonprofit entity in a renaissance school district. A school or group of schools may include existing facilities that have undergone substantial reconstruction by the renaissance school project applicant. A substantial reconstruction shall: meet all applicable building codes; comply with the Uniform Construction Code enhancements where the health and safety of the building occupants are affected; comply with all "Americans with Disabilities Act of 1990" regulations outlined in the New Jersey Barrier Free Subcode at N.J.A.C.5:23-7 et seq.; and comply with the Uniform Construction Code and other applicable State and federal laws for radon, lead, asbestos, and other contaminants and be subject to the enforcement of such standards by the applicable State or federal agency. The first facility of a renaissance school project shall be a newly-constructed school facility which is designed to house, upon completion, at least 20 percent of the total number of students to be enrolled in the renaissance school project. A renaissance school project may include a dormitory and related facilities as permitted pursuant to section 5 of P.L.2011, c.176 (C.18A:36C-5).

"Urban campus area" means the area within a 1.5-mile radius of the site of the initial school of a renaissance school project, except that a high school building which is part of the renaissance school project may be located within a two-mile radius of the site of the initial school of a renaissance school project.

2. Section 4 of P.L.2011, c.176 (C.18A:36C-4) is amended to read as follows:

C.18A:36C-4 Application to create renaissance school district.

4. a. A nonprofit entity, in partnership with the renaissance school district, may submit to the commissioner an application to create a renaissance

ating officer granted pursuant thereto. Any such memoranda of understanding shall be executed between the chief operating officer and the Director of the Division of Local Government Services in the Department of Community Affairs. Whenever the powers and duties of the chief operating officer have devolved upon the director pursuant to subsection b. of section 7 of P.L.2002, c.43 (C.52:27BBB-7), the memorandum of understanding shall be executed between the director, on behalf of the qualified municipality, and the State Treasurer, on behalf of the State.

3. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 61

AN ACT concerning renaissance school districts, revising various parts of the statutory law, and supplementing P.L.2011, c.176.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.2011, c.176 (C.18A:36C-3) is amended to read as follows:

C.18A:36C-3 Definitions relative to the "Urban Hope Act."

3. As used in this act:

"Commissioner" means the Commissioner of Education.

"Failing district" means: in accordance with data from the Statewide assessment reports issued by the Department of Education (1) in the case of a school district located in a city of the first class, a school district in which at least 40% of the students scored in the partially proficient range in the language arts and mathematics sections of each State assessment administered in the 2009-2010 school year; and (2) in the case of a school district located in a city of the second class, a school district in which at least 45% of the students scored in the partially proficient range in the language arts and mathematics sections of each State assessment administered in the 2009-2010 school year.

"Per pupil expenditure" means the sum of the budget year equalization aid per pupil, budget year adjustment aid per pupil, and the prebudget year

(6) The Director of the Division of Local Government Services in the Department of Community Affairs shall annually conduct a compliance audit of the activities of a qualified municipality during the economic recovery term to ensure compliance with P.L.2002, c.43 (C.52:27BBB-1 et al.) and other relevant State laws and shall report the findings to the Local Finance Board and the mayor.

(7) The financial incentives set forth in sections 54 through 56 of P.L.2002, c.43 (C.52:27BBB-53 through 55) shall remain in effect until the municipality is no longer eligible for financial assistance pursuant to the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.).

c. Upon the assumption of job responsibilities by the chief operating officer, the financial review board created pursuant to section 5 of P.L.1999, c.156 (C.52:27D-118.30a) to oversee the finances of the municipality shall cease to function and the municipality shall cease to be under supervision pursuant to Article 4 of P.L.1947, c.151 (C.52:27BB-54 et seq.).

All outstanding debts or obligations incurred by a qualified municipality or the New Jersey Housing and Mortgage Finance Agency established pursuant to section 4 of the "New Jersey Housing and Mortgage Finance Agency Law of 1983," P.L.1983, c.530 (C.55:14K-4) and secured by a right of first refusal on municipally-owned property as of 10 days following a determination by the commissioner that the municipality fulfills the definition of a qualified municipality pursuant to section 4 of P.L.2002, c.43 (C.52:27BBB-4), with any subsidiary of that agency with jurisdiction in a qualified municipality, other than those debts or obligations represented by bonds or other negotiable instruments, are forgiven.

Notwithstanding the termination of the financial review board and supervision, all memorandums of understanding entered into by the municipality as a condition of receiving assistance under P.L.1987, c.75 (C.52:27D-118.24 et seq.) that require the municipality to implement any government, administrative, operational efficiency or oversight measures necessary for the fiscal recovery of the municipality as recommended by the director and approved by the Local Finance Board shall continue to have full force and effect.

During the rehabilitation term, the chief operating officer shall be responsible for entering into any memorandum of understanding on behalf of the qualified municipality that is required as a condition of receiving assistance under P.L.1987, c.75 (C.52:27D-118.24 et seq.), or any other law; provided, however, that those memoranda of understanding shall be consistent with the provisions of P.L.2002, c.43 (C.52:27BBB-1 et al.) and P.L.2007, c.176 (C.52:27BBB-2.2 et al.), and the powers of the chief oper-

utes shall have been delivered to the mayor. If, in that 10-day period, the mayor returns the copy of the minutes with a veto of any action taken by the board or authority at the meeting, that action shall be null and void and of no force and effect. Following the completion of the 10-day period, those actions not vetoed shall be considered approved.

(2) During the first 18 months of the economic recovery term, the mayor shall have the power to veto or terminate any employment contract not subject to a collective bargaining agreement, whether or not subject to Title 11A, Civil Service, of the New Jersey Statutes. This shall not apply to employment contracts under extension pursuant to terms under the expired contract.

(3) The mayor shall cause to be issued a final report on the progress of the municipality toward achieving municipal rehabilitation and economic recovery, as set forth in section 8 of P.L.2002, c.43 (C.52:27BBB-8) at the end of the economic recovery term.

(4) The mayor shall authorize the municipal planning board, from time to time, to prepare a program of municipal capital improvement projects projected over a term of at least six years, and amendments thereto. The program may include current and future major projects being, or to be, undertaken with federal, State, county, or other public funds, or under federal, State, or county supervision. The first year of the program shall, upon adoption by the governing body, constitute the capital budget of the municipality as required by N.J.S.40A:4-43 et seq. The program shall classify projects in regard to the urgency and need for realization, and shall recommend a time sequence for their implementation. The program may also contain the estimated cost of each project and indicate probable operating and maintenance costs and probable revenues, if any, as well as existing sources of funds, or the need for additional sources of funds, for the implementation and operation of each project. The program shall, as far as possible, be based on existing information in the possession of the departments and agencies of the municipality and shall take into account public facility needs indicated by the prospective development shown in the master plan of the municipality or as permitted by other municipal land use controls.

(5) While the municipality is under rehabilitation and economic recovery, the mayor shall retain the power to make those appointments to municipal authorities, boards or commissions, as the case may be, which is otherwise allocated to the mayor pursuant to law.

The mayor may retain staff for the purpose of advising the mayor and aiding in the performance of constituent services during the rehabilitation term.

"Regional Impact Council" or "council" means that body established pursuant to section 39 of P.L.2002, c.43 (C.52:27BBB-39).

"Rehabilitation term" means that period during which the qualified municipality is under the direction of the chief operating officer appointed pursuant to section 7 of P.L.2002, c.43 (C.52:27BBB-7).

"Special arbitrator" means that judge designated by the Chief Justice pursuant to section 5 of P.L.2002, c.43 (C.52:27BBB-5).

"State supervision" means supervision pursuant to Article 4 of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.).

"Treasurer" or "State treasurer" means the Treasurer of the State of New Jersey.

"Under rehabilitation and economic recovery" means that period which coincides with the rehabilitation term and the economic recovery term.

2. Section 6 of P.L.2002, c.43 (C.52:27BBB-6) is amended to read as follows:

C.52:27BBB-6 Municipality deemed under rehabilitation and economic recovery; term.

6. a. Upon the appointment of a chief operating officer pursuant to section 7 of P.L.2002, c.43 (C.52:27BBB-7), a qualified municipality shall be under rehabilitation and economic recovery. This period shall begin with the assumption of job responsibilities by the chief operating officer pursuant to this section and terminate five years following the end of the term of the chief operating officer. The period corresponding with the term of the chief operating officer shall be referred to hereinafter as the rehabilitation term. The period commencing with the expiration of the term of the chief operating officer and terminating 10 years thereafter shall be referred to hereinafter as the economic recovery term.

b. (1) During the economic recovery term, the mayor shall exercise those powers delegated to the mayor pursuant to the form of government, the charter and the administrative code of the municipality, and those powers delegated to the mayor under general law. In addition, during the economic recovery term, the mayor shall retain the power to veto the minutes of any independent board or authority, including, but not limited to, the housing authority, parking authority, redevelopment authority, planning board and board of adjustment. No action taken at any meeting of any independent board or authority shall have force or effect until 10 days, exclusive of Saturdays, Sundays and public holidays, after the copy of the min-

of the State, or (iv) maintain or diversify and expand employment promoting enterprises within the State; and (3) the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of an energy saving improvement or pollution control project which the authority determines will tend to reduce the consumption in a building devoted to industrial or commercial purposes, or in an office building, of nonrenewable sources of energy or to reduce, abate or prevent environmental pollution within the State; and (4) the acquisition, construction, reconstruction, repair, alteration, improvement, extension, development, financing or refinancing of infrastructure and transportation facilities or improvements related to economic development and of cultural, recreational and tourism facilities or improvements related to economic development and of capital facilities for primary and secondary schools and of mixed use projects consisting of housing and commercial development; and (5) the establishment, acquisition, construction, rehabilitation, improvement, and ownership of port facilities as defined in section 3 of P.L.1997, c.150 (C.34:1B-146). Project may also include: reimbursement to any person for costs in connection with any project, or the refinancing of any project or portion thereof, if such actions are determined by the authority to be necessary and in the public interest to maintain employment and the tax base of any political subdivision and likely to facilitate improvements or the completion of the project; and developing property and any construction, reconstruction, improvement, alteration, equipment or maintenance or repair, or planning and designing in connection therewith. For the purpose of carrying out mixed use projects consisting of both housing and commercial development, the authority may enter into agreements with the New Jersey Housing and Mortgage Finance Agency for loan guarantees for any such project in accordance with the provisions of P.L.1995, c.359 (C.55:14K-64 et al.), and for that purpose shall allocate to the New Jersey Housing and Mortgage Finance Agency, under such agreements, funding available pursuant to subsection a. of section 4 of P.L.1992, c.16 (C.34:1B-7.13). "Project" shall not include a school facilities project.

"Qualified municipality" means a municipality: (1) that has been subject to the supervision of a financial review board pursuant to the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.) for at least one year; (2) that has been subject to the supervision of the Local Finance Board pursuant to the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.) for at least one year; and (3) which, according to its most recently adopted municipal budget, is dependent upon State aid and other State revenues for not less than 55 percent of its total budget.

"Director" means the Director of the Division of Local Government Services in the Department of Community Affairs.

"Economic recovery term" means the period commencing with the expiration of the term of the chief operating officer and terminating 10 years thereafter.

"In consultation with" means with consideration of the input of, or the advice of, the mayor, governing body, chief operating officer or director, as the case may be, without regard to the form or manner of the consultation.

"Local Finance Board" means the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs.

"Mayor" means the mayor or chief executive officer of the municipality, as appropriate to the form of government.

"Project" means: (1) (a) acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility, including water transmission facilities or other improvement, whether or not in existence or under construction, (b) purchase and installation of equipment and machinery, (c) acquisition and improvement of real estate and the extension or provision of utilities, access roads and other appurtenant facilities; and (2) (a) the acquisition, financing, or refinancing of inventory, raw materials, supplies, work in process, or stock in trade, or (b) the financing, refinancing or consolidation of secured or unsecured debt, borrowings, or obligations, or (c) the provision of financing for any other expense incurred in the ordinary course of business; all of which are to be used or occupied by any person in any enterprise promoting employment, either for the manufacturing, processing or assembly of materials or products, or for research or office purposes, including, but not limited to, medical and other professional facilities, or for industrial, recreational, hotel or motel facilities, public utility and warehousing, or for commercial and service purposes, including, but not limited to, retail outlets, retail shopping centers, restaurant and retail food outlets, and any and all other employment promoting enterprises, including, but not limited to, motion picture and television studios and facilities and commercial fishing facilities, commercial facilities for recreational fishermen, fishing vessels, aquaculture facilities and marketing facilities for fish and fish products and (d) acquisition of an equity interest in, including capital stock of, any corporation; or any combination of the above, which the authority determines will: (i) tend to maintain or provide gainful employment opportunities within and for the people of the State, or (ii) aid, assist and encourage the economic development or redevelopment of any political subdivision of the State, or (iii) maintain or increase the tax base of the State or of any political subdivision

3. Section 30 of P.L.1997, c.259 (C.45:2B-71) is amended to read as follows:

C.45:2B-71 Continuing education required for registered municipal accountant.

30. The board shall require any person licensed as a registered municipal accountant, as a condition for triennial licensure, to complete the required number of credits of continuing professional education as determined by the board during each triennial period of licensure.

Each credit of continuing professional education required pursuant to this section shall represent or be equivalent to 50 minutes of verified course attendance at a course or seminar approved by the board.

4. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 60

AN ACT concerning municipal rehabilitation and economic recovery and amending P.L.2002, c.43.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.2002, c.43 (C.52:27BBB-3) is amended to read as follows:

C.52:27BBB-3 Definitions relative to municipal rehabilitation and economic recovery.

3. As used in this act:

"Authority" means the New Jersey Economic Development Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.).

"Board" means the State Economic Recovery Board established pursuant to section 36 of P.L.2002, c.43 (C.52:27BBB-36).

"Chief operating officer" means that person appointed pursuant to P.L.2002, c.43 (C.52:27BBB-1 et al.) responsible for reorganizing governmental operations of a qualified municipality in order to assure the delivery of essential municipal services and the professional administration of that municipal government.

"Commissioner" means the Commissioner of Community Affairs.

"Contiguous with" means within.

2. Section 27 of P.L.1997, c.259 (C.45:2B-68) is amended to read as follows:

C.45:2B-68 Continuing professional education required for license renewal; orientation, certain.

27. a. The board shall, as a condition for triennial license renewal, require any person licensed as a "certified public accountant," or "public accountant," to complete 120 credits of continuing professional education during the immediately preceding triennial period of licensure. Persons who are engaged in the practice of public accountancy, or are involved with the attest function in issuing an audit, review or compilation reports, shall have at least 24 of the required credits in the areas of accounting or auditing. Each credit of continuing professional education required pursuant to this section shall represent, or be equivalent to, 50 minutes of verified course attendance at a course or seminar approved by the board.

b. The board may, in its discretion, waive requirements for continuing professional education on an individual basis for hardship reasons such as health, military service, or other due cause and may establish a policy for the continuing education requirements for inactive or retired accountants who remain certified or registered.

c. The board shall not require completion of continuing education credits as a condition for triennial licensure for the initial renewal of licensure, however, any person licensed as a "certified public accountant" shall, within six months prior to initial licensure, or within the first six months following initial licensure, complete an orientation course in topics identified by the board, and conducted by any organization recognized by the board as provided in subsection d. of this section.

d. The board shall:

(1) establish standards for continuing professional education, including the subject matter, contents of courses of study, and the number of credits required;

(2) accredit educational programs and sponsors of educational programs offering credit towards the continuing professional education requirements; and

(3) accredit other equivalent educational programs, such as teaching, conferences, professional seminars, technical reviews, courses with non-hourly attendance, including home study courses, and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

2. This act shall take effect on January 1 following the date of enactment.

Approved September 10, 2014.

CHAPTER 59

AN ACT concerning the practice of accounting and amending P.L.1997, c.259.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 5 of P.L.1997, c.259 (C.45:2B-46) is amended to read as follows:

C.45:2B-46 Membership; terms; vacancies; removal.

5. The board shall consist of 12 members as follows: nine of whom shall have been engaged in the practice of public accountancy in this State, with not more than two of them being public accountants, and at least one of whom holds both a Registered Municipal Accountant's license and a Public School Accountant's license; two of whom shall be public members; and one of whom shall be a State executive department member. Each member engaged in the practice of public accountancy shall maintain an active license in New Jersey during his term of service on the board. Each member, other than the State executive department member, shall be appointed by the Governor for a term of three years and shall hold office until reappointed or a successor is appointed and qualified. Any vacancy on the board shall be filled by the Governor for the unexpired term only.

The public members and the State executive department member shall be appointed by the Governor in accordance with and subject to the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.).

Except for the State executive department member, no member may serve more than two successive terms in addition to any unexpired term to which he has been appointed, except that any member who has served two such successive terms may be reappointed after an intervening period of one year.

The Governor may remove any member of the board, other than the State executive department member, for cause, upon notice and opportunity to be heard.

in the case of any individual contributor, the occupation of the individual and the name and mailing address of the individual's employer; the expenses incurred; and the disposition of the proceeds of such testimonial affair.

The $300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

h. (Deleted by amendment, P.L.1993, c.65.)

i. Each campaign treasurer of a candidate committee or joint candidates committee shall file written notice with the commission of a contribution in excess of $500 received during the period between the 13th day prior to the election and the date of the election and of an expenditure of money or other thing of value in excess of $800 made, incurred or authorized by the candidate committee or joint candidates committee to support or defeat a candidate in an election, or to aid the passage or defeat of any public question, during the period between the 13th day prior to the election and the date of the election, provided that a candidate shall not be required to file written notice pursuant to this subsection of an expenditure made to support his or her own candidacy, or to support or defeat a candidate for the same office in an election. For the purposes of this subsection, the offices of member of the Senate and member of the General Assembly shall be deemed to be the same office in a legislative district; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same office in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same office in a municipality.

The notice of a contribution shall be filed in writing or by telegram within 48 hours of the receipt of the contribution and shall set forth the amount and date of the contribution, the name and mailing address of the contributor, and where the contributor is an individual, the occupation of the individual and the name and mailing address of the individual's employer. The notice of an expenditure shall be filed in writing or by telegram within 48 hours of the making, incurring or authorization of the expenditure and shall set forth the name and mailing address of the person, firm or organization to whom or which the expenditure was paid and the amount and purpose of the expenditure.

j. Each county shall provide on its Internet site a link to the Internet site for the Election Law Enforcement Commission for the purpose of providing public access to the reports that are required to be submitted to the commission pursuant to this section.

pended in behalf of his candidacy by the candidate committee, any political committee, any continuing political committee, or a political party committee or by any person, does not in the aggregate exceed $2,000.00 per election or $4,000 for any joint candidates committee containing two candidates or $6,000 for any joint candidates committee containing three or more candidates; provided, that if such candidate receives contributions from any one source aggregating more than $300, he shall forthwith make a report of the same, including the name and mailing address of the source, the aggregate total of contributions therefrom, and where the source is an individual, the occupation of the individual and the name and mailing address of the individual's employer, to the commission.

The $300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

f. In any report filed pursuant to the provisions of this section, the names and addresses of contributors whose contributions during the period covered by the report did not exceed $300 may be excluded; provided, however, that (1) such exclusion is unlawful if any person responsible for the preparation or filing of the report knew that such exclusion was made with respect to any person whose total contributions relating to the same election and made to the reporting candidate or to an allied campaign organization or organizations aggregate, in combination with the total contributions in respect of which such exclusion is made, more than $300, and (2) any person who knowingly prepares, assists in preparing, files or acquiesces in the filing of any report from which the identity of any contributor has been excluded contrary to the provisions of this section is subject to the provisions of section 21 of this act, but (3) nothing in this proviso shall be construed as requiring any candidate committee or joint candidates committee reporting pursuant to this act to report the amounts, dates or other circumstantial data regarding contributions made to any other candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee.

The $300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

g. Any report filed pursuant to the provisions of this section shall include an itemized accounting of all receipts and expenditures relative to any testimonial affair held since the date of the most recent report filed, which accounting shall include the name and mailing address of each contributor in excess of $300 to such testimonial affair and the amount contributed by each;

tributed by each person or group, and where an individual has made such contributions, the report shall indicate the occupation of the individual and the name and mailing address of the individual's employer. In the case of any loan reported pursuant to this section, the report shall contain the name and address of each person who cosigns such loan, and where an individual has cosigned such loans, the report shall indicate the occupation of the individual and the name and mailing address of his employer. The report shall also contain the name and address of each person, firm or organization to whom expenditures have been paid and the amount and purpose of each such expenditure. The treasurer of the candidate committee or joint candidates committee and the candidate or candidates shall certify to the correctness of each cumulative quarterly report.

c. No candidate for elective public office shall be required to file a duplicate copy of the campaign treasurer's report with the county clerk of the county in which the candidate resides.

d. There shall be no obligation to file the reports required by this section on behalf of a candidate if such candidate files with the Election Law Enforcement Commission a sworn statement to the effect that the total amount to be expended in behalf of his candidacy by the candidate committee, by any political party committee, by any political committee, or by any person shall not in the aggregate exceed $2,000.00 or $4,000 for any joint candidates committee containing two candidates or $6,000 for any joint candidates committee containing three or more candidates. The sworn statement may be submitted at the time when the name and address of the campaign treasurer and depository is filed with the Election Law Enforcement Commission, provided that in any case the sworn statement is filed no later than the 29th day before an election. If a candidate who has filed such a sworn statement receives contributions from any one source aggregating more than $300 he shall forthwith make report of the same, including the name and mailing address of the source and the aggregate total of contributions therefrom, and where the source is an individual, the occupation of the individual and the name and mailing address of the individual's employer, to the Election Law Enforcement Commission. The $300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2).

e. There shall be no obligation imposed upon a candidate seeking election to a public office of a school district to file either the reports required under subsection b. of this section or the sworn statement referred to in subsection d. of this section, if the total amount expended and to be ex-

certification has not been filed, if the commission determines under any regulations so promulgated that the outstanding obligations of the political committee, candidate committee or joint candidates committee do not exceed 10% of the expenditures of the campaign fund with respect to the election or $1,000.00, whichever is less, or are likely to be discharged or forgiven.

A candidate committee or joint candidates committee shall file with the Election Law Enforcement Commission, not later than April 15, July 15, October 15 of each calendar year in which the candidate or candidates in control of the committee does or do not run for election or reelection and January 15 of each calendar year in which the candidate or candidates does or do run for election or reelection, a cumulative quarterly report of all moneys, loans, paid personal services or other things of value contributed to it or to the candidate or candidates during the period ending on the 15th day preceding that date and commencing on January 1 of that calendar year or, in the case of the cumulative quarterly report to be filed not later than January 15, of the previous calendar year, and all expenditures made, incurred, or authorized by it or the candidate or candidates during the period, whether or not such expenditures were made, incurred or authorized in furtherance of the election or defeat of any candidate, or in aid of the passage or defeat of any public question or to provide information on any candidate or public question. The commission may by regulation require any such candidate committee or joint candidates committee to file during any calendar year one or more additional cumulative reports of such contributions received and expenditures made as may be necessary to ensure that no more than five months shall elapse between the last day of a period covered by one such report and the last day of the period covered by the next such report.

The commission, on any form it shall prescribe for the reporting of expenditures by a candidate committee or joint candidates committee, shall provide for the grouping together of all expenditures under the category of "campaign expenses" under paragraph (1) of subsection a. of section 17 of P.L.1993, c.65, identified as such, and for the grouping together, separately, of all other expenditures under the categories prescribed by paragraphs (2) through (6) of that subsection. The cumulative quarterly report due on April 15 in a year immediately after the year in which the candidate or candidates does or do run for election or reelection shall contain a report of all of the contributions received and expenditures made by the candidate or candidates since the 18th day after that election.

The cumulative quarterly report shall contain the name and mailing address of each person or group from whom moneys, loans, paid personal services or other things of value have been contributed and the amount con-

occurred first. The report shall also contain the name and mailing address of each person or group from whom moneys, loans, paid personal services or other things of value were contributed after the second day preceding the date of the previous cumulative report and the amount contributed by each person or group, and where an individual has made such contributions, the report shall indicate the occupation of the individual and the name and mailing address of the individual's employer. In the case of any loan reported pursuant to this section, the report shall further contain the name and mailing address of each person who cosigns such loan, the occupation of the person and the name and mailing address of the person's employer. If no moneys, loans, paid personal services or other things of value were contributed, the report shall so indicate, and if no expenditures were paid or incurred, the report shall likewise so indicate. The campaign treasurer and the candidate or several candidates shall certify the correctness of the report.

b. During the period between the appointment of the campaign treasurer and the election with respect to which contributions are accepted or expenditures made by him, the campaign treasurer shall file his cumulative campaign report (1) on the 29th day preceding the election, and (2) on the 11th day preceding the election; and after the election he shall file his report on the 20th day following such election. Concurrent with the report filed on the 20th day following an election, or at any time thereafter, the campaign treasurer of a candidate committee or joint candidates committee may certify to the Election Law Enforcement Commission that the election fund of such candidate committee or joint candidates committee has wound up its business and been dissolved, or that business regarding the late election has been wound up but the candidate committee or joint candidates committee will continue for the deposit and use of contributions in accordance with section 17 of P.L.1993, c.65 (C.19:44A-11.2). Certification shall be accompanied by a final accounting of such election fund, or of the transactions relating to such election, including the final disposition of any balance remaining in such fund at the time of dissolution or the arrangements which have been made for the discharge of any obligations remaining unpaid at the time of dissolution. Until the candidate committee or joint candidates committee is dissolved, each such treasurer shall continue to file reports in the form and manner herein prescribed.

The Election Law Enforcement Commission shall promulgate regulations providing for the termination of post-election campaign reporting requirements applicable to political committees, candidate committees and joint candidates committees. The requirements to file quarterly reports after the first post-election report may be waived by the commission, notwithstanding that the

fax and mail via the United States Postal Service or other hard copy delivery service any forms or other documents necessary for meeting reporting requirements pursuant to P.L.2013, c.74.

b. The reporting procedures and methods required to be established pursuant to subsection a. of this section shall be in addition to any electronic reporting procedures and methods established and provided by the department. A person may comply with reporting requirements pursuant to P.L.2013, c.74 by electing at the person's discretion to use the hard copy paper form or electronic form of reporting.

15. For calendar year 2014 only, the Department of Environmental Protection shall transfer 700,000 pounds of the State's menhaden quota from the purse seine allocation to commercial fixed gear, as needed.

16. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 58

AN ACT concerning reports of contributions and expenditures by certain candidates and amending P.L.1973, c.83.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 16 of P.L.1973, c.83 (C.19:44A-16) is amended to read as follows:

C.19:44A-16 Candidates' reports of contributions and expenditures.

16. a. The campaign treasurer of each candidate committee and joint candidates committee shall make a full cumulative report, upon a form prescribed by the Election Law Enforcement Commission, of all contributions in the form of moneys, loans, paid personal services or other things of value, made to him or to the deputy campaign treasurers of the candidate committee or joint candidates committee, and all expenditures paid out of the election fund of the candidate or candidates, during the period ending with the second day preceding the date of the cumulative report and beginning on the date of the first of those contributions, the date of the first of those expenditures, or the date of the appointment of the campaign treasurer, whichever

(2) provide proof of harvesting 5,000 pounds or more of any combination of species harvested in baited pots in any one year between 2009 and 2012, inclusive.

f. (1) A resident of the State who is licensed under this section to land menhaden taken by gill net shall be required to pay an annual fee of $50.

(2) A non-resident of the State who is licensed under this section to land menhaden taken by gill net shall be required to pay an annual fee of $250, or an amount equal to the non-resident fee charged for the landing of menhaden in the non-resident's state, whichever is greater.

(3) Any license fees collected pursuant to this subsection shall be deposited in the Menhaden Marine Fisheries Management Account, established pursuant to section 14 of P.L.2013, c.74 (C.23:3-51.12).

g. Nothing in this section, R.S.23:3-51, or any other law, or any rule or regulation adopted pursuant thereto, shall prohibit a person who does not possess a Menhaden Personal Use and Limited Sale License from landing 100 pounds or less of menhaden, at any time, and on any trip or day.

h. Except for the excess 500 pounds or less allowed to be sold or bartered pursuant to subsection a. of this section, a holder of a Menhaden Personal Use and Limited Sale License shall only make personal use of menhaden as bait for the person's commercial fishing pots and shall not use menhaden for any other purpose.

C.23:3-51.17 Review of applicable laws, rules, regulations concerning menhaden.

13. Each year, the committee of the Marine Fisheries Council concerned with the menhaden fishery shall meet to review the current State laws and rules and regulations concerning menhaden, the implementation of those laws and rules and regulations, and the status of the menhaden fishery in the State. The committee may make recommendations to the Marine Fisheries Council concerning any changes in laws, rules or regulations, or policies or procedures implemented pursuant to those laws, rules, or regulations that the committee determines to be prudent for the protection and vitality of the menhaden fishery in the State.

C.23:3-51.18 Reporting procedures and methods.

14. a. The Department of Environmental Protection shall, in cooperation with the Marine Fisheries Council, establish reporting procedures and methods which allow a person to comply with all reporting requirements pursuant to P.L.2013, c.74 (C.23:3-51.2 et al.) in a hard copy paper form to be submitted by fax or mailed via the United States Postal Service or other hard copy delivery service. The department shall also make available by

are consistent with the procedures and methods established pursuant to section 14 of P.L.2014, c.57 (C.23:3-51.18);

f. the quota allocation formula established by subsection a. of section 13 of P.L.2013, c.74 (C.23:3-51.11);

g. the season for menhaden fishing established by subsection b. of section 13 of P.L.2013, c.74 (C.23:3-51.11); or

h. the incidental catch allowance provided by subsection e. of section 13 of P.L.2013, c.74 (C.23:3-51.11), or the allocation of that incidental catch allowance to the State's annual quota.

C.23:3-51.16 Menhaden Personal Use and Limited Sale License.

12. a. Any person who intends to take menhaden from any State waters, including the waters of the Atlantic ocean within three nautical miles of the State coast line, for personal use as bait, with the option to sell or barter 500 pounds or less in excess of the amount needed for bait per day by the person, shall apply to the commissioner for a Menhaden Personal Use and Limited Sale License, in accordance with the provisions of this section. Upon receipt of the application and payment of the applicable fee, the commissioner may, in the commissioner's discretion and as authorized pursuant to R.S.23:3-51 and section 3 of P.L.2010, c.72 (C.23:3-51.1), issue to the applicant a Menhaden Personal Use and Limited Sale License, except as prohibited by subsection b. of this section. A license issued pursuant to this section shall be valid only for the calendar year for which it is issued, and shall be renewed on an annual basis. Any license application for a Menhaden Personal Use and Limited Sale License shall be filed with the commissioner prior to the annual deadline established thereby for application submission and any application received by the commissioner after this deadline shall be denied.

b. The provisions of subsection b. of R.S.23:3-51 shall apply to the license established in subsection a. of this section and the taking of menhaden pursuant to this section.

c. A person who is issued a Menhaden Personal Use and Limited Sale License pursuant to subsection a. of this section may take menhaden with a gill net, and the person shall not be required to tend the net.

d. The holder of a license issued pursuant to this section shall have the license on board the vessel being used in the taking of menhaden at all times during that use of the vessel for that purpose.

e. A person applying for a Menhaden Personal Use and Limited Sale License shall meet the following criteria:

(1) hold a valid gill net license and a pot fishery license; and

(2) all revenues received from the issuance of Menhaden Landing Licenses and Menhaden Dealer Licenses pursuant to sections 5 and 9 of P.L.2013, c.74 (C.23:3-51.3 and C.23:3-51.7); and

(3) all revenues received from the issuance of Menhaden Personal Use and Limited Sale Licenses pursuant to section 12 of P.L.2014, c.57 (C.23:3-51.16).

b. The moneys in the Menhaden Marine Fisheries Management Account shall be allocated to the Division of Fish and Wildlife, Marine Fisheries Administration within the Department of Environmental Protection, and shall be dedicated for the purposes of menhaden quota management, menhaden biological monitoring, and menhaden fisheries law enforcement in connection with the menhaden marine fishery.

11. Section 17 of P.L.2013, c.74 (C.23:3-51.15) is amended to read as follows:

C.23:3-51.15 Modifications of requirements by commissioner.

17. The commissioner may, with the approval of the New Jersey Marine Fisheries Council, modify the requirements of R.S.23:3-51, R.S.23:3-52, and P.L.2013, c.74 (C.23:3-51.2 et al.) if such modifications are determined to be necessary either to provide for the optimal utilization of any quotas established for menhaden fishing, or to maintain consistency or State compliance with any menhaden fisheries management plan that has been approved by the Atlantic States Marine Fisheries Commission or any federal fishery management council and adopted by the National Marine Fisheries Service. In particular, upon authorization of the New Jersey Marine Fisheries Council, and in accordance with the provisions of this section, the commissioner may modify the following provisions of law:

a. the qualifications for licensure under R.S.23:3-51, under section 5 or 9 of P.L.2013, c.74 (C.23:3-51.3 or C.23:3-51.7), or under section 12 of P.L.2014, c.57 (C.23:3-51.16), including any fee amounts required for licensure under those sections;

b. the qualifications for the transfer of a license under section 7 of P.L.2013, c.74 (C.23:3-51.5);

c. the license suspension schedule established by section 15 of P.L.2013, c.74 (C.23:3-51.13);

d. the specifications applicable to vessel upgrades and replacements, as provided by R.S.23:3-51 or section 7 of P.L.2013, c.74 (C.23:3-51.5);

e. the reporting requirements established by section 8 or section 10 of P.L.2013, c.74 (C.23:3-51.6 or C.23:3-51.8) provided these requirements

d. (1) The commissioner shall close the menhaden season in the State, for each respective gear type, by giving not less than two days' notice of the projected date that the year's quota for that gear type will be landed.

(2) If the menhaden season is closed prematurely, the commissioner may reopen the season for a specified period of time, upon no less than two days' notice.

(3) Any notice required pursuant to this subsection shall be made available for public viewing on the department's Internet website, and shall be issued electronically, via e-mail, to all the holders of a Menhaden Purse Seine Fishing Vessel License, a Menhaden Purse Seine Fishing Vessel Operator's License, a Menhaden Landing License, a Menhaden Personal Use and Limited Sale License, and a Menhaden Dealer License. Each such licensee shall be required, at the time of licensure, to provide the commissioner with their e-mail address, in order to facilitate the provision of notice pursuant to this section.

e. If the season for a particular gear type is closed because the quota amount allocated to that gear type has been harvested and landed: (1) the holder of a Menhaden Landing License for that gear type or the holder of a Menhaden Personal Use and Limited Sale License may continue to land an incidental catch as provided by the Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Menhaden; and (2) the holder of a Menhaden Dealer License may continue to accept an incidental catch from the holder of a Menhaden Landing License or the holder of a Menhaden Personal Use and Limited Sale License, as provided by the Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Menhaden. The incidental catch allowance authorized by this subsection shall be applied to the annual menhaden catch quota as provided by the Atlantic States Marine Fisheries Commission Fishery Management Plan for Atlantic Menhaden.

10. Section 14 of P.L.2013, c.74 (C.23:3-51.12) is amended to read as follows:

C.23:3-51.12 "Menhaden Marine Fisheries Management Account."

14. a. There is established within the General Fund, a separate, dedicated, and non-lapsing account to be known as the "Menhaden Marine Fisheries Management Account." This account shall be credited with:

(1) all revenues received from the issuance of Menhaden Purse Seine Fishing Vessel Licenses and Menhaden Purse Seine Fishing Vessel Operator's Licenses pursuant to R.S.23:3-51 and R.S.23:3-52;

associated with damages to, or the cleanup of, marine and estuarine waters of the State, or the State's beaches, shorelines, and marshes.

9. Section 13 of P.L.2013, c.74 (C.23:3-51.11) is amended to read as follows:

C.23:3-51.11 Annual State menhaden catch quota.

13. a. (1) The annual State menhaden catch quota shall be established by the Atlantic States Marine Fisheries Commission. The commissioner may request a quota transfer from other states or regions, in accordance with the administrative procedure outlined by the Atlantic States Marine Fisheries Commission.

(2) The commissioner shall divide and allocate the annual State menhaden catch quota as provided in this paragraph. The annual New Jersey menhaden bait quota shall be divided among the various gear types, with the purse seine fishery being allocated 95 percent of the quota, and pound nets, wire pound nets, gill nets, trawls, bait nets, and other authorized gear being allocated the remaining five percent, combined. If the quota for any gear type is exceeded, the overharvested amount shall be deducted from the following year's quota.

b. The season for fishing and landing menhaden in the State shall be:

(1) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by purse seine;

(2) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by gill net;

(3) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by pound net or wire pound net;

(4) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by trawl;

(5) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by bait net; and

(6) January 1 to December 31 for licensees taking menhaden, or landing menhaden taken, by other authorized gear not otherwise specified in this subsection.

c. No person who intends to take menhaden with a purse seine or shirred net shall fish for menhaden in the State:

(1) on a Saturday or Sunday;

(2) on the days on which a public holiday is officially observed by the State, as declared pursuant to R.S.36:1-1; or

(3) at any time, except during the hours from sunrise to sunset.

(6) the type of gear used for the harvest of menhaden purchased or traded during the preceding week;

(7) the date of purchase or trade; and

(8) any other information required by the department.

c. (1) In addition to any other penalties provided by section 73 of P.L.1979, c.199 (C.23:2B-14), by P.L.2013, c.74 (C.23:3-51.2 et al.), or by any other law, if a licensed menhaden dealer fails to submit a weekly report, as required by this section, either on or before 12:00 p.m. on the Tuesday following the week of record, the licensee shall be subject to a fine of $50 for a first offense, $100 for a second offense, and $200 for any subsequent offense.

(2) Any fines collected pursuant to this subsection shall be deposited in the Menhaden Marine Fisheries Management Account, established pursuant to section 14 of P.L.2013, c.74 (C.23:3-51.12).

8. Section 12 of P.L.2013, c.74 (C.23:3-51.10) is amended to read as follows:

C.23:3-51.10 Requirements for licensees relative to littering, cleanup.

12. a. The holder of a Menhaden Purse Seine Fishing Vessel License or a Menhaden Purse Seine Fishing Vessel Operator's License, issued pursuant to R.S.23:3-51, and the holder of a Menhaden Landing License, issued pursuant to section 5 of P.L.2013, c.74 (C.23:3-51.3), shall not throw overboard, or otherwise release from a vessel or its nets into the waters of the State: (1) any quantity of dead fish, except during the course of fishing operations; or (2) any refuse, litter, or garbage of any kind.

b. Whenever any fish, fish parts, refuse, litter, or garbage of any kind is released during, or as a result of, a menhaden fishing or landing operation, in violation of the provisions of subsection a. of this section, the holder of a Menhaden Purse Seine Fishing Vessel License, a Menhaden Purse Seine Fishing Vessel Operator's License, or a Menhaden Landing License, as the case may be, shall report the release to the department as soon as possible and initiate a cleanup of the release within 24 hours thereof, at the licensee's expense, if the release is likely to impact the shoreline.

c. In the event that a licensee fails to initiate a cleanup, in accordance with the provisions of subsection b. of this section, within 24 hours after a release begins, the department may conduct or arrange for the cleanup of the release. However, the licensee shall be liable to pay all costs associated with the cleanup, including any administrative costs incurred by the department. Costs imposed pursuant to this subsection may include the costs

(5) the total amount, in pounds, of menhaden discarded by the licensee or licensed vessel;

(6) the location of harvest;

(7) the type of gear used for harvest;

(8) the ports used for the landing of menhaden;

(9) the date on which, and the dealer to whom, any landed menhaden was sold or bartered by the licensee; and

(10) any other information required by the department.

c. (1) In addition to any other penalties provided by section 73 of P.L.1979, c.199 (C.23:2B-14), by P.L.2013, c.74 (C.23:3-51.2 et al.), or by any other law, any licensee who fails to submit a monthly report on or before the 10th day of the month following the month of record shall be subject to a fine of $50 for a first offense, $100 for a second offense, and $200 for any subsequent offense.

(2) Any fines collected pursuant to this subsection shall be deposited in the Menhaden Marine Fisheries Management Account, established pursuant to section 14 of P.L.2013, c.74 (C.23:3-51.12).

7. Section 10 of P.L.2013, c.74 (C.23:3-51.8) is amended to read as follows:

C.23:3-51.8 Weekly report by holders of Menhaden Dealer License.

10. a. The holder of a Menhaden Dealer License shall submit a weekly report to the commissioner, on forms developed by the commissioner. The licensee shall attest to the validity of the information contained in the weekly report, and shall electronically, or in hard copy paper form, as provided pursuant to section 14 of P.L.2014, c.57 (C.23:3-51.18), submit the report to the department. If no purchase or trade of menhaden occurred during the week, the licensee shall submit a report to that effect. For the purposes of this section, a week shall begin on Sunday and end on Saturday.

b. The weekly report shall include, at a minimum, the following information:

(1) the name of the licensee;

(2) the licensee's Menhaden Dealer License number;

(3) the Menhaden Landing License number of each person selling or trading menhaden to the dealer during the preceding week;

(4) the total amount, in pounds, of menhaden purchased or traded during the preceding week;

(5) the location of harvest for menhaden purchased or traded during the preceding week;

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percent larger in the hold capacity as measured in cubic feet, and not more than 20 percent more powerful in terms of horsepower, than the originally licensed vessel.

c. A person who transfers a license pursuant to paragraph (2) of subsection a. of this section shall no longer be eligible to obtain a Menhaden Landing License or a Menhaden Personal Use and Limited Sale License based upon the landing history of the vessel being sold.

d. An applicant for a license transfer shall submit an application to the commissioner, on a form developed by the commissioner, and no license shall be transferred pursuant to this section without the prior approval of the commissioner.

e. A person shall not be eligible for transfer of their license pursuant to this section if: (1) their license is pending suspension or has been suspended pursuant to section 15 of P.L.2013, c.74 (C.23:3-51.13); or (2) the licensee is subject to court action for a violation of R.S.23:3-51 or P.L.2013, c.74 (C.23:3-51.2 et al.).

6. Section 8 of P.L.2013, c.74 (C.23:3-51.6) is amended to read as follows:

C.23:3-51.6 Monthly report by licensee to commissioner.

8. a. The holder of a Menhaden Landing License or the holder of a Menhaden Personal Use and Limited Sale License shall submit a monthly report to the commissioner, on a form developed by the commissioner. The licensee shall attest to the validity of the information contained in the monthly report, and shall electronically, or in hard copy paper form, as provided pursuant to section 14 of P.L.2014, c.57 (C.23:3-51.18), submit the report to the department using a method approved by the commissioner. If no landing, sale, or barter of menhaden occurred during the month, the licensee shall submit a report to that effect.

b. The monthly report shall include, at a minimum, the following information, which shall be reported on an individual trip basis:

(1) the name of the licensee and licensed vessel, if any;

(2) the licensee's Menhaden Landing License or Menhaden Personal Use and Limited Sale License number, as applicable;

(3) the name of the purse seine catch vessel, if any, which was used in conjunction with the licensed vessel;

(4) the total amount, in pounds, of menhaden landed by the licensee or licensed vessel;

(3) the circumstances supporting the conclusions made in paragraphs (1) and (2) of this subsection were not created by the licensee or persons under the licensee's control; and

(4) approval of the extension will not unreasonably interfere with the orderly administration of the directed bait or whole frozen human food fishery for menhaden.

d. Within 30 days after receipt of an application for license renewal extension, the commissioner shall approve or deny the application, and shall provide written notice of this determination to the licensee. A licensee whose application for extension is denied may appeal the decision in accordance with the procedure for contested cases under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

5. Section 7 of P.L.2013, c.74 (C.23:3-51.5) is amended to read as follows:

C.23:3-51.5 Transfer of license.

7. a. Upon application to, and approval by, the department, the holder of a Menhaden Purse Seine Fishing Vessel License, issued pursuant to R.S.23:3-51, the holder of a Menhaden Landing License, issued pursuant to section 5 of P.L.2013, c.74 (C.23:3-51.3), or the holder of a Menhaden Personal Use and Limited Sale License, issued pursuant to section 12 of P.L.2014, c.57 (C.23:3-51.16), may transfer their license as follows:

(1) To a replacement vessel when the vessel named in the license is replaced by the licensee; or

(2) To a new owner of the vessel named in the license when the vessel is sold or otherwise transferred to another person.

b. The following limitations shall apply to any license transfer undertaken pursuant to paragraph (1) of subsection a. of this section:

(1) a license shall only be transferrable to a replacement vessel that employs the same type of fishing gear identified in the original license;

(2) a license that is applicable to a purse seine catch vessel, including the Menhaden Landing License designated as a purse seine-catch pursuant to paragraph (1) of subsection f. of section 5 of P.L.2013, c.74 (C.23:3-51.3), shall only be transferrable to a replacement purse seine catch vessel, and a license that is applicable to a purse seine carry vessel shall only be transferrable to a replacement purse seine carry vessel;

(3) a license that is applicable to a purse seine catch vessel or a purse seine carry vessel shall be transferrable to a replacement vessel only if the replacement vessel is not more than 10 percent larger in overall length, 10

taken with any other type of gear shall be required to pay an annual fee of $250, or an amount equal to the non-resident fee charged for the landing of menhaden in the non-resident's state, whichever is greater.

(3) Any license fees collected pursuant to this subsection shall be deposited in the Menhaden Marine Fisheries Management Account, established pursuant to section 14 of P.L.2013, c.74 (C.23:3-51.12).

h. Nothing in this section, in R.S.23:3-51, or in any other law, or rule or regulation adopted pursuant thereto, shall prohibit a person who does not possess a Menhaden Landing License from landing 100 pounds or less of menhaden for sale or barter, at any time, and on any trip or day.

4. Section 6 of P.L.2013, c.74 (C.23:3-51.4) is amended to read as follows:

C.23:3-51.4 Extension of time to renew Menhaden Landing License, Menhaden Personal Use and Limited Sale License.

6. a. A licensee who is eligible for renewal of their Menhaden Landing License or Menhaden Personal Use and Limited Sale License may request an extension of time to renew their license in accordance with this section.

b. A licensee seeking a license renewal extension shall submit a written application therefor to the commissioner, on a form developed by the commissioner. The application shall include, at a minimum:

(1) the name of the licensee and licensed vessel, if any;

(2) the licensee's Menhaden Landing License or Menhaden Personal Use and Limited Sale License number, as applicable;

(3) a detailed explanation as to why the extension is needed, including a statement specifying the type and degree of hardship that prevented the timely renewal of the license, and the hardship that will result to the licensee if the license is not renewed; and

(4) any other appropriate documentation as may be necessary to support the application.

c. An application for license renewal extension shall be approved if the commissioner determines that:

(1) by reason of extraordinary hardship or exceptional situation or condition, the licensee was precluded from complying with the renewal requirements;

(2) strict compliance with the renewal requirements provided by law would result in exceptional and undue hardship to the licensee;

e. A Menhaden Landing License issued pursuant to this section shall remain on board the licensed vessel, or, if no vessel is used, in the possession of the licensee, at all times.

f. A person applying for a Menhaden Landing License shall meet the following criteria:

(1) In order to obtain a license to land menhaden taken by purse seine, the vessel shall have landed in the State at least 500,000 pounds of menhaden during one year between 2009 and 2012, inclusive, or have been issued a Menhaden Purse Seine Fishing Vessel License with a catch designation in 2014 and shall have landed in the State at least 200,000 pounds of menhaden in any one year between 2009 and 2012, inclusive. The gear type assigned to a Menhaden Landing License issued to a vessel with a Menhaden Purse Seine Fishing Vessel License with a catch designation shall be identified as a purse seine-catch;

(2) In order to obtain a license to land menhaden taken by pound net or wire pound net, the vessel shall have landed in the State at least 100,000 pounds of menhaden during one year between 2009 and 2012, inclusive;

(3) In order to obtain a license to land menhaden taken by gill net, haul seine, or fyke net, the licensee or vessel shall have landed in the State at least 10,000 pounds of menhaden during one year between 2009 and 2012, inclusive;

(4) In order to obtain a license to land menhaden taken by trawl, the vessel shall have landed in the State at least 200 pounds of menhaden during one year between 2009 and 2012, inclusive; and

(5) In order to obtain a license to land menhaden taken by bait net, the person shall have possessed a New Jersey Bait Net License during one year between 2009 and 2012, inclusive. If a person's application for a license to land menhaden taken by bait net is submitted in the year 2014 or thereafter, the commissioner may require the applicant to prove landings and sale of menhaden during the respective years commencing in 2013.

g. (1) A resident of the State who is licensed under this section to land menhaden taken by purse seine shall be required to pay an annual fee of $150. A resident of the State who is licensed under this section to land menhaden taken using any other type of gear shall be required to pay an annual fee of $50.

(2) A non-resident of the State who is licensed under this section to land menhaden taken by purse seine shall be required to pay an annual fee of $750, or an amount equal to the non-resident fee charged for the landing of menhaden in the non-resident's state, whichever is greater. A non-resident of the State who is licensed under this section to land menhaden

(c) a trawl vessel that is used or is intended to be used to land more than 100 pounds of menhaden on an individual trip basis, for the purposes of sale or barter;

(d) a vessel that is used or is intended to be used to land, on an individual trip basis, and for the purposes of sale or barter, more than 100 pounds of menhaden taken by bait net or other authorized gear;

(e) a purse seine carry vessel that is used or is intended to be used to land, on an individual trip basis, and for the purposes of sale or barter, more than 100 pounds of menhaden taken from State or federal waters; and

(f) a purse seine catch vessel that functions as a purse seine carry vessel and satisfies the requirements of subparagraph (e) of this paragraph.

(2) A purse seine catch vessel that does not function as a purse seine carry vessel is exempt from licensure pursuant to this section. However, the owner or operator of a purse seine carry vessel that works in conjunction with a purse seine catch vessel shall identify the purse seine catch vessel on the landing report prepared thereby.

(3) (a) No purse seine carry vessel or purse seine catch vessel functioning as a purse seine carry vessel shall be licensed pursuant to this subsection to land menhaden taken from State waters, unless the vessel is 90 feet or less in overall length.

(b) Nothing in subparagraph (a) of this paragraph shall prohibit the licensure of a purse seine carry vessel or purse seine catch vessel that is greater than 90 feet in overall length, so long as the vessel lands menhaden taken only from federal waters.

(4) A Menhaden Landing License shall be issued by the commissioner in the name of: (a) the vessel and the vessel's owner or operator; or (b) if no vessel will be used in the landing or sale of menhaden, the person applying for the license. If a purse seine carry vessel or a purse seine catch vessel functioning as a purse seine carry vessel is operated by a person who is not the owner of the vessel, the vessel operator shall be licensed separately and apart from the vessel owner.

(5) Any license issued pursuant to this section shall specify the types of gear that may be used by the licensee in the taking of menhaden to be landed thereby.

d. The holder of a Menhaden Landing License shall not use, have on board the licensed vessel, or work in conjunction with any other vessel that uses any type of fishing gear other than the type of gear specifically identified in the license.

"Purse seine carry vessel" means a vessel that is used to carry and land or sell menhaden that has been taken from State or federal waters, and which works in conjunction with a purse seine catch vessel or menhaden set vessel in the taking of menhaden by purse seine.

"Trawl vessel" means a vessel that is used in the deployment of a trawl for the purpose of taking menhaden to be landed or sold in the State.

3. Section 5 of P.L.2013, c.74 (C.23:3-51.3) is amended to read as follows:

C.23:3-51.3 Menhaden Landing License.

5. a. Except as provided pursuant to section 12 of P.L.2014, c.57 (C.23:3-51.16), no person shall land for the purposes of sale or barter, or otherwise sell or barter, more than 100 pounds of menhaden at any time in the State, unless the person is in possession of a Menhaden Landing License which authorizes the person to participate in the directed bait and whole frozen human food fishery for menhaden.

b. (1) Any person who intends to land for the purposes of sale or barter, or otherwise sell or barter, more than 100 pounds of menhaden at any time shall submit to the commissioner an application for a Menhaden Landing License. Any license application for a Menhaden Landing License shall be filed with the commissioner prior to the annual deadline established thereby for application submission, and any application received by the commissioner after this deadline shall be denied.

(2) A Menhaden Landing License issued pursuant to this subsection shall be valid only for the calendar year for which it is issued, and shall be renewed on an annual basis. The failure of a licensee to annually renew a Menhaden Landing License in accordance with established deadlines shall result in forfeiture of the right to obtain a Menhaden Landing License in future years, except as provided by section 6 of P.L.2013, c.74 (C.23:3-51.4).

c. (1) The following types of vessels, and their owners or operators, are subject to licensure pursuant to this section:

(a) a gill net vessel that is used or is intended to be used to land more than 100 pounds of menhaden on an individual trip basis, for the purposes of sale or barter;

(b) a pound net vessel that is used or is intended to be used to land more than 100 pounds of menhaden on an individual trip basis, for the purposes of sale or barter;

ment through the sale or public auction of the vessel, vehicle, or equipment shall be used by the Division of Fish and Wildlife for the enforcement of the provisions of this act.

2. Section 4 of P.L.2013, c.74 (C.23:3-51.2) is amended to read as follows:

C.23:3-51.2 Definitions relative to taking of menhaden.

4. As used in R.S.23:3-51, section 3 of P.L.2010, c.72 (C.23:3-51.1), sections 4 through 17 of P.L.2013, c.74 (C.23:3-51.2 through C.23:3-51.15), and sections 12 through 14 of P.L.2014, c.57 (C.23:3-51.16 through C.23:3-51.18):

"Bait net" means a net, including but not limited to a bait seine, cast net, dip net, lift or umbrella net, or killi-pot, deployed for the purpose of taking menhaden to be landed or sold in the State.

"Commissioner" means the Commissioner of Environmental Protection.

"Dealer" means a person who is authorized, by a license issued pursuant to section 9 of P.L.2013, c.74 (C.23:3-51.7), to purchase or barter for menhaden landed in the State, and who is considered a primary buyer of menhaden.

"Fishing" means the taking of menhaden from State or federal waters.

"Gill net vessel" means a vessel that is used in the deployment of a gill net for the purpose of taking menhaden to be landed or sold in the State.

"Menhaden" means a marine fish of the herring family (Brevoortia tyrannus).

"Menhaden set vessel" means the smaller of two vessels, often employed in conjunction with a purse seine catch vessel, and used as a replacement for the weight of a purse seine to assist in setting the net.

"Other authorized gear" means gear listed in subsection a. of section 2 of P.L.1941, c.211 (C.23:5-24.2), including haul seines, fyke nets, and wire pound nets, licensed and permitted for the taking of menhaden pursuant to P.L.2013, c. 74 (C.23:3-51.2 et al.).

"Pound net vessel" means a vessel that is used in the deployment of a pound net for the purpose of taking menhaden to be landed or sold in the State.

"Purse seine catch vessel" means a vessel that is used in the deployment of a purse seine or shirred net for the purpose of taking menhaden to be landed or sold in the State, and which may work in conjunction with a purse seine carry vessel or menhaden set vessel in the taking of menhaden by purse seine or shirred net.

a person who is the holder of a commercial shellfish license or permit; (b) a person who is the holder of a recreational shellfish license or permit who is in possession of more than the daily recreational shellfish limit; (c) a person without any shellfish license or permit who is in possession of more than the daily recreational shellfish limit; (d) a person who is the holder of a recreational shellfish license or permit who is engaging in shellfish activities with the holder of a commercial shellfish license or permit; or (e) a person without the necessary shellfish license or permit who is engaging in shellfish activities with the holder of a commercial shellfish license or permit.

c. If a person violates any of the provisions of this act, or any rule or regulation or any license or permit adopted or issued pursuant to this act, the department may institute a civil action in a court of competent jurisdiction for injunctive relief to prohibit and prevent the violation or violations and the court may proceed in the action in a summary manner.

The department is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

d. In addition to the penalties prescribed by this section, a person who violates the provisions of R.S.50:2-11, R.S.50:3-13, R.S.50:4-2 or R.S.50:4-3, or any rule or regulation or any license or permit adopted or issued pursuant thereto, shall be subject to the forfeiture of any vessel, vehicle, or equipment used in the commission of the violation. A designated conservation officer of the Department of Environmental Protection, a member of the State Police, or any other law enforcement officer may seize and secure any vessel, vehicle, or equipment used in the commission of such a violation. Upon the seizure of the vessel, vehicle, or equipment, the conservation officer, member of the State Police, or other law enforcement officer shall immediately thereafter institute a civil action to determine if the forfeiture is warranted in the court in which the penalty action was filed pursuant to this section, which court shall have jurisdiction to adjudicate the forfeiture action. The owner or any person having a security interest in the vessel, vehicle, or equipment may secure its release by depositing with the clerk of the court in which the action is pending a bond with good and sufficient sureties in an amount to be fixed by the court, conditioned upon the return of the vessel, vehicle, or equipment to the Department of Environmental Protection upon demand after completion of the court proceeding. The court may proceed in a summary manner and may direct the confiscation of the vessel, vehicle, or equipment by the department for its use or for disposal by sale or public auction. Moneys collected by the depart-

c.211 (C.23:5-24.1 to 23:5-24.3), sections 4 through 17 of P.L.2013, c.74 (C.23:3-51.2 through C.23:3-51.15), and section 12 of P.L.2014, c.57 (C.23:3-51.16).

The commissioner may utilize any or all of the following remedies for any violation of this act:

a. (1) A person who violates the provisions of this act or of any rule, regulation, license or permit adopted or issued pursuant to this act shall be liable to a penalty of not less than $300 or more than $3,000 for the first offense and not less than $500 or more than $5,000 for any subsequent offense, unless the commissioner has established an alternate penalty for a specific offense pursuant to paragraph (2) of this subsection.

(2) The Commissioner of Environmental Protection, with the approval of the Marine Fisheries Council, may, by regulation, establish a penalty schedule for any specific violation of this act or of any rule or regulation adopted pursuant to this act. No such penalty may be less than $30 or more than $100 for the first offense or less than $50 or more than $200 for any subsequent offense. Any penalty provided for by this act or by the fee schedule adopted by the commissioner shall be collected in a civil action by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court or any municipal court shall have jurisdiction to enforce the "Penalty Enforcement Law of 1999." If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

b. (1) A person who violates the provisions of this act or any rule or regulation or any license or permit adopted or issued pursuant to this act shall be liable to the revocation or suspension of any license or permit held by the violator pursuant to this act for such period of time as the court may choose, except when the rule or regulation violated includes a mandatory revocation or suspension schedule in which case that schedule shall determine the period of time of the revocation or suspension.

(2) In the case of a person who knowingly violates the provisions of R.S.50:2-11, R.S.50:3-13, R.S.50:4-2 or R.S.50:4-3, or any rule or regulation or any license or permit adopted or issued pursuant thereto, the violator shall be subject to a mandatory revocation or suspension of the license or permit or privilege for the taking of oysters, clams or other shellfish held by the violator, or in the case of a violator without the necessary license or permit the loss of the privilege to take oysters, clams or other shellfish, for a period of three years for a first offense, five years for a second offense, and 10 years for the third and any subsequent offense. For purposes of this paragraph, a knowing violator shall include, but need not be limited to: (a)

d. Approximately 76 acres of land located in Moorestown and Cinnaminson in the County of Burlington, previously allocated for the Route 90 Freeway pursuant to P.L.1965, c.60, which has had its end limit changed to eliminate an unbuilt portion pursuant to P.L.1997, c.143 (C.27:6-1.1 et al.); and

e. That portion of the approximately 670 acres of land previously allocated for the Route 24 freeway that is not needed for transportation purposes located in the Township of Millburn in the County of Essex; the boroughs of Chatham, Florham Park, Madison, and Morris Plains, the townships of Hanover, Mendham, Montville, and Morris, and the Town of Morristown in the County of Morris; and the townships of Springfield and Union, and the City of Summit in the County of Union.

In addition, the Department of Transportation shall notify in writing the governing body of each municipality in which these parcels of land are located of any proposed action by the department for the sale or conveyance of the State's interest and the requirement that the State House Commission render its approval prior to such action. The notice shall be sent sufficiently prior in time to any action taken by the State House Commission to permit a municipal review and formulation of a response, if any.

2. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 57

AN ACT concerning the taking of menhaden, amending P.L.1979, c.199, and amending and supplementing P.L.2013, c.74.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 73 of P.L.1979, c.199 (C.23:2B-14) is amended to read as follows:

C.23:2B-14 "Act" defined, penalties; enforcement.

73. For purposes of this section, the "act" means and includes all the new sections and amended sections contained herein, all the remaining sections of Title 50 of the Revised Statutes, sections 23:3-41, 23:3-46, 23:3-47, 23:3-48, 23:3-51, 23:3-52, 23:5-9, 23:5-16, 23:9-114, 23:9-115 and 23:9-120 of Title 23 of the Revised Statutes, sections 1, 2, and 3 of P.L.1941,

shall be eligible for an NJ STARS scholarship after the first year of county college enrollment if the student attains a grade point average of at least 3.0 by the start of the student's second year of county college enrollment and if the student meets the requirements of subsection c. of section 5 of P.L.2004, c.59 (C.18A:71B-85).

4. This act shall take effect immediately.

Approved September 10, 2014.

CHAPTER 56

AN ACT dedesignating a portion of State Highway Route No. 24 and amending P.L.1997, c.143.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1997, c.143 (C.27:6-1.1) is amended to read as follows:

C.27:6-1.1 State House Commission approval of conveyance required; parcels, certain.

2. Notwithstanding any other provision of law to the contrary, any sale or conveyance by the Department of Transportation of the State's interest in any of the following parcels of land affected by P.L.1997, c.143 (C.27:6-1.1 et al.) and P.L.2014, c.56 shall require the prior approval of the State House Commission, established pursuant to R.S.52:20-1 et seq. The parcels of land affected by P.L.1997, c.143 (C.27:6-1.1 et al.) and P.L.2014, c.56 are as follows:

a. Approximately 4 acres of land located in the City of Newark in the County of Essex, previously allocated for the Route 75 Freeway pursuant to P.L.1967, c.87;

b. Approximately 120 acres of land located in the townships of Lawrence, Ewing, and Hopewell in the County of Mercer, previously allocated for the Route 69 or the Route 31 Freeway pursuant to P.L.1955, c.255;

c. Approximately 23 acres of land located in the municipalities of Hanover and Morris in the County of Morris, previously allocated for the Route 178 Freeway pursuant to P.L.1967, c.142 and P.L.1971, c.287;

e. A student scholarship under the NJ STARS Program may be renewed upon the student's filing of a renewal financial aid application and providing evidence that the student has satisfied the requirements pursuant to subsection b. of this section.

2. Section 1 of P.L.2009, c.280 (C.18A:71B-85.5) is amended to read as follows:

C.18A:71B-85.5 Provision of information to students relative to eligibility for NJ STARS.

1. a. In September of each school year, the board of education of a school district or the chief school administrator of a nonpublic school shall provide each student in the 9th grade with general information on the New Jersey Student Tuition Assistance Reward Scholarship (NJ STARS) Program created pursuant to P.L.2004, c.59 (C.18A:71B-81 et seq.).

b. In September of each school year, the board of education of a school district or the chief school administrator of a nonpublic school shall notify each student in the 11th grade who is ranked in the top 25.0% of the class of his potential to qualify for the NJ STARS Program if the student's class rank at the completion of the 11th grade or 12th grade is within the top 15.0% of the class.

The notification shall include information about the rigorous course of study required to qualify for the program.

A student in the 12th grade shall be notified of conditional eligibility for the NJ STARS Program by the Higher Education Student Assistance Authority in accordance with the provisions of section 2 of P.L.2008, c.124 (C.18A:71B-85.1).

c. The notification by the board of education or chief school administrator required pursuant to subsections a. and b. of this section shall be communicated via regular or electronic mail or sent home with the student and include a brief description of the NJ STARS Program and the requirements for eligibility for the program.

C.18A:71B-85.5a Requirements for scholarship.

3. In the event that a student was notified of eligibility for a scholarship under the NJ STARS Program for the first year of enrollment in a county college in the 2013-2014 academic year based on the student's class rank at the completion of the 11th grade, the student shall be eligible for the scholarship in that academic year if the student meets the requirements of subsection c. of section 5 of P.L.2004, c.59 (C.18A:71B-85). The student

ond year of county college enrollment. A student who attains a grade point average of less than 3.0 at the start of the second semester of the student's first year of county college enrollment shall participate in an enrichment program designed by the county college during the second semester of the student's first year of enrollment.

c. To be eligible to receive a scholarship under the NJ STARS Program a student shall:

(1) be a State resident pursuant to guidelines established by the authority. Notwithstanding the provisions of section 1 of P.L.1979, c.361 (C.18A:62-4) or any other section of law to the contrary, a dependent child of a parent or guardian who has been transferred to a military installation located in this State shall be considered a resident of this State for the purposes of qualifying for an NJ STARS scholarship;

(2) have applied for all other available forms of State and federal need-based grants and merit scholarships, exclusive of loans, the full amount of which grants and scholarships shall be applied to tuition to reduce the amount of any scholarship that the student shall receive under the provisions of this act;

(3) except as otherwise provided pursuant to subsection a. of section 3 of P.L.2008, c.124 (C.18A:71B-85.2), be enrolled in a full-time course of study at a New Jersey county college;

(4) have graduated from high school in 2004 or later, and not earlier than the calendar year two years prior to the first calendar year in which a scholarship payment is to be made; and

(5) except as otherwise provided pursuant to subsection a. of section 3 of P.L.2008, c.124 (C.18A:71B-85.2), maintain continuous enrollment in a full-time course of study, unless on medical leave due to the illness of the student or a member of the student's immediate family or emergency leave because of a family emergency, which medical or emergency leave shall have been approved by the county college, or unless called to partial or full mobilization for State or federal active duty as a member of the National Guard or a Reserve component of the Armed Forces of the United States.

d. A student who is dismissed for academic or disciplinary reasons from a county college shall no longer be eligible for a scholarship under this act. If a student participating in the program is dismissed for disciplinary reasons, the student shall repay in full all amounts received under the program. The county college shall be responsible for collecting the repayment, or the amount of any overpayment or other improper payment, of any State awards under the program, in accordance with the provisions of N.J.S.18A:71B-10.

1. Section 5 of P.L.2004, c.59 (C.18A:71B-85) is amended to read as follows:

C.18A:71B-85 NJ STARS scholarships; eligibility.

5. a. A scholarship under the NJ STARS Program shall cover the full cost of tuition, subject to the prior application of other grants and scholarships against those costs as provided under paragraph (2) of subsection c. of this section, for up to 18 credit hours in any semester, for an eligible student enrolled in a full-time course of study at the New Jersey county college serving the student's county of residence. An otherwise eligible student who demonstrates to the authority, in accordance with such criteria and by means of such documentation as the authority shall establish by regulation, that the county college serving the student's county of residence does not offer the curriculum that the student chooses to study shall be eligible for such scholarship at another New Jersey county college offering that curriculum. The amount of any scholarship allowed hereunder to a student at a county college serving a county other than the student's county of residence shall be computed as though the student were a resident of the county served by that college, and the college shall likewise compute the amount of any additional payment, required with respect to the enrollment of that student for credit hours of study during a semester in which the scholarship is awarded that are not covered by that scholarship, as though the student were a resident of the county.

b. A student shall be eligible for a scholarship under the NJ STARS Program for up to five semesters, including summer sessions. The scholarship shall be payable for the first year of enrollment in a county college to a student who:

(1) has graduated high school and, in the case of a student who graduates in the 2013-2014 school year and thereafter, whose class rank at the completion of the 11th grade or 12th grade was in the top 15.0% of the student's high school class, provided that in the case of students graduating from high schools that do not calculate the class rank of their students, the student's ranking at the completion of the 11th grade or 12th grade shall be determined by the high school in consultation with the authority; and

(2) completed a rigorous high school course of study in accordance with standards established by the Secretary of Higher Education in consultation with the Commissioner of Education.

During a student's enrollment in a county college after the first year of enrollment, the scholarship shall be payable to that student if the student attains a grade point average of at least 3.0 by the start of the student's sec-

dependent contractors of the court, county, or facility visited pursuant to the program, and any person supervising a defendant during the visitation, are not liable for any civil damages resulting from injury to the defendant, or for civil damages associated with the visitation which are caused by the defendant, except for willful or grossly negligent acts intended to, or reasonably expected to result in, that injury or damage.

The Supreme Court may adopt court rules or directives to effectuate the purposes of this subsection.

(i) In addition to any other fine, fee, or other charge imposed pursuant to law, the court shall assess a person convicted of a violation of the provisions of this section a surcharge of $125, of which amount $50 shall be payable to the municipality in which the conviction was obtained, $50 shall be payable to the Treasurer of the State of New Jersey for deposit into the General Fund, and $25 which shall be payable as follows: in a matter where the summons was issued by a municipality's law enforcement agency, to that municipality to be used for the cost of equipping police vehicles with mobile video recording systems pursuant to the provisions of section 1 of P.L.2014, c.54 (C.40A:14-118.1); in a matter where the summons was issued by a county's law enforcement agency, to that county; and in a matter where the summons was issued by a State law enforcement agency, to the General Fund.

C.40A:14-118.2 Rules, regulations.

3. The Attorney General shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the provisions of this act.

4. This act shall take effect on the first day of the sixth month following enactment, but the Attorney General may take such administrative action in advance as shall be necessary for the implementation of this act.

Approved September 10, 2014.

CHAPTER 55

AN ACT concerning eligibility for the New Jersey Student Tuition Assistance Reward Scholarship (NJ STARS) Program, amending and supplementing P.L.2004, c.59, and amending P.L.2009, c.280.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

(h) A court also may order a person convicted pursuant to subsection (a) of this section, to participate in a supervised visitation program as either a condition of probation or a form of community service, giving preference to those who were under the age of 21 at the time of the offense. Prior to ordering a person to participate in such a program, the court may consult with any person who may provide useful information on the defendant's physical, emotional and mental suitability for the visit to ensure that it will not cause any injury to the defendant. The court also may order that the defendant participate in a counseling session under the supervision of the Intoxicated Driving Program Unit prior to participating in the supervised visitation program. The supervised visitation program shall be at one or more of the following facilities which have agreed to participate in the program under the supervision of the facility's personnel and the probation department:

(1) a trauma center, critical care center or acute care hospital having basic emergency services, which receives victims of motor vehicle accidents for the purpose of observing appropriate victims of drunk drivers and victims who are, themselves, drunk drivers;

(2) a facility which cares for advanced alcoholics or drug abusers, to observe persons in the advanced stages of alcoholism or drug abuse; or

(3) if approved by a county medical examiner, the office of the county medical examiner or a public morgue to observe appropriate victims of vehicle accidents involving drunk drivers.

As used in this section, "appropriate victim" means a victim whose condition is determined by the facility's supervisory personnel and the probation officer to be appropriate for demonstrating the results of accidents involving drunk drivers without being unnecessarily gruesome or traumatic to the defendant.

If at any time before or during a visitation the facility's supervisory personnel and the probation officer determine that the visitation may be or is traumatic or otherwise inappropriate for that defendant, the visitation shall be terminated without prejudice to the defendant. The program may include a personal conference after the visitation, which may include the sentencing judge or the judge who coordinates the program for the court, the defendant, defendant's counsel, and, if available, the defendant's parents to discuss the visitation and its effect on the defendant's future conduct. If a personal conference is not practicable because of the defendant's absence from the jurisdiction, conflicting time schedules, or any other reason, the court shall require the defendant to submit a written report concerning the visitation experience and its impact on the defendant. The county, a court, any facility visited pursuant to the program, any agents, employees, or in-

(g) When a violation of this section occurs while:

(1) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(2) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(3) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution, the convicted person shall: for a first offense, be fined not less than $500 or more than $800, be imprisoned for not more than 60 days and have his license to operate a motor vehicle suspended for a period of not less than one year or more than two years; for a second offense, be fined not less than $1,000 or more than $2,000, perform community service for a period of 60 days, be imprisoned for not less than 96 consecutive hours, which shall not be suspended or served on probation, nor more than 180 days, except that the court may lower such term for each day, not exceeding 90 days, served performing community service in such form and on such terms as the court shall deem appropriate under the circumstances and have his license to operate a motor vehicle suspended for a period of four years; and, for a third offense, be fined $2,000, imprisoned for 180 days in a county jail or workhouse, except that the court may lower such term for each day, not exceeding 90 days, served participating in a drug or alcohol inpatient rehabilitation program approved by the Intoxicated Driver Resource Center, and have his license to operate a motor vehicle suspended for a period of 20 years; the period of license suspension shall commence upon the completion of any prison sentence imposed upon that person.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under paragraph (1) of this subsection.

It shall not be relevant to the imposition of sentence pursuant to paragraph (1) or (2) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be relevant to the imposition of sentence that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

shall be entitled to the same rights of discovery as allowed defendants pursuant to the Rules Governing the Courts of the State of New Jersey.

(f) The counties, in cooperation with the Division of Mental Health and Addiction Services and the commission, but subject to the approval of the Division of Mental Health and Addiction Services, shall designate and establish on a county or regional basis Intoxicated Driver Resource Centers. These centers shall have the capability of serving as community treatment referral centers and as court monitors of a person's compliance with the ordered treatment, service alternative or community service. All centers established pursuant to this subsection shall be administered by a counselor certified by the Alcohol and Drug Counselor Certification Board of New Jersey or other professional with a minimum of five years' experience in the treatment of alcoholism. All centers shall be required to develop individualized treatment plans for all persons attending the centers; provided that the duration of any ordered treatment or referral shall not exceed one year. It shall be the center's responsibility to establish networks with the community alcohol and drug education, treatment and rehabilitation resources and to receive monthly reports from the referral agencies regarding a person's participation and compliance with the program. Nothing in this subsection shall bar these centers from developing their own education and treatment programs; provided that they are approved by the Division of Mental Health and Addiction Services.

Upon a person's failure to report to the initial screening or any subsequent ordered referral, the Intoxicated Driver Resource Center shall promptly notify the sentencing court of the person's failure to comply.

Required detention periods at the Intoxicated Driver Resource Centers shall be determined according to the individual treatment classification assigned by the Intoxicated Driving Program Unit. Upon attendance at an Intoxicated Driver Resource Center, a person shall be required to pay a per diem fee of $75 for the first offender program or a per diem fee of $100 for the second offender program, as appropriate. Any increases in the per diem fees after the first full year shall be determined pursuant to rules and regulations adopted by the Commissioner of Health in consultation with the Governor's Council on Alcoholism and Drug Abuse pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

The centers shall conduct a program of alcohol and drug education and highway safety, as prescribed by the chief administrator.

The Commissioner of Health shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the purposes of this subsection.

The sentencing court shall inform the person convicted that failure to satisfy such requirements shall result in a mandatory two-day term of imprisonment in a county jail and a driver license revocation or suspension and continuation of revocation or suspension until such requirements are satisfied, unless stayed by court order in accordance with the Rules Governing the Courts of the State of New Jersey, or R.S.39:5-22. Upon sentencing, the court shall forward to the Division of Mental Health and Addiction Services' Intoxicated Driving Program Unit a copy of a person's conviction record. A fee of $100 shall be payable to the Alcohol Education, Rehabilitation and Enforcement Fund established pursuant to section 3 of P.L.1983, c.531 (C.26:2B-32) to support the Intoxicated Driving Program Unit.

(c) Upon conviction of a violation of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person so convicted and forward such license or licenses to the chief administrator. The court shall inform the person convicted that if he is convicted of personally operating a motor vehicle during the period of license suspension imposed pursuant to subsection (a) of this section, he shall, upon conviction, be subject to the penalties established in R.S.39:3-40. The person convicted shall be informed orally and in writing. A person shall be required to acknowledge receipt of that written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S.39:3-40. In the event that a person convicted under this section is the holder of any out-of-State driver's license, the court shall not collect the license but shall notify forthwith the chief administrator, who shall, in turn, notify appropriate officials in the licensing jurisdiction. The court shall, however, revoke the nonresident's driving privilege to operate a motor vehicle in this State, in accordance with this section. Upon conviction of a violation of this section, the court shall notify the person convicted, orally and in writing, of the penalties for a second, third or subsequent violation of this section. A person shall be required to acknowledge receipt of that written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of this section.

(d) The chief administrator shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in order to establish a program of alcohol education and highway safety, as prescribed by this act.

(e) Any person accused of a violation of this section who is liable to punishment imposed by this section as a second or subsequent offender

termining whether there are reasonable grounds to believe that person was operating a motor vehicle in violation of this section.

A conviction of a violation of a law of a substantially similar nature in another jurisdiction, regardless of whether that jurisdiction is a signatory to the Interstate Driver License Compact pursuant to P.L.1966, c.73 (C.39:5D-1 et seq.), shall constitute a prior conviction under this subsection unless the defendant can demonstrate by clear and convincing evidence that the conviction in the other jurisdiction was based exclusively upon a violation of a proscribed blood alcohol concentration of less than 0.08%.

If the driving privilege of any person is under revocation or suspension for a violation of any provision of this Title or Title 2C of the New Jersey Statutes at the time of any conviction for a violation of this section, the revocation or suspension period imposed shall commence as of the date of termination of the existing revocation or suspension period. In the case of any person who at the time of the imposition of sentence is less than 17 years of age, the forfeiture, suspension or revocation of the driving privilege imposed by the court under this section shall commence immediately, run through the offender's seventeenth birthday and continue from that date for the period set by the court pursuant to paragraphs (1) through (3) of this subsection. A court that imposes a term of imprisonment for a first or second offense under this section may sentence the person so convicted to the county jail, to the workhouse of the county wherein the offense was committed, to an inpatient rehabilitation program or to an Intoxicated Driver Resource Center or other facility approved by the chief of the Intoxicated Driving Program Unit in the Department of Health. For a third or subsequent offense a person shall not serve a term of imprisonment at an Intoxicated Driver Resource Center as provided in subsection (f).

A person who has been convicted of a previous violation of this section need not be charged as a second or subsequent offender in the complaint made against him in order to render him liable to the punishment imposed by this section on a second or subsequent offender, but if the second offense occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes and if a third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes.

(b) A person convicted under this section must satisfy the screening, evaluation, referral, program and fee requirements of the Division of Mental Health and Addiction Services' Intoxicated Driving Program Unit, and of the Intoxicated Driver Resource Centers and a program of alcohol and drug education and highway safety, as prescribed by the chief administrator.

(2) For a second violation, a person shall be subject to a fine of not less than $500 nor more than $1,000, and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances, and shall be sentenced to imprisonment for a term of not less than 48 consecutive hours, which shall not be suspended or served on probation, nor more than 90 days, and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of two years upon conviction, and, after the expiration of said period, he may make application to the Chief Administrator of the New Jersey Motor Vehicle Commission for a license to operate a motor vehicle, which application may be granted at the discretion of the chief administrator, consistent with subsection (b) of this section. For a second violation, a person also shall be required to install an ignition interlock device under the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

(3) For a third or subsequent violation, a person shall be subject to a fine of $1,000, and shall be sentenced to imprisonment for a term of not less than 180 days in a county jail or workhouse, except that the court may lower such term for each day, not exceeding 90 days, served participating in a drug or alcohol inpatient rehabilitation program approved by the Intoxicated Driver Resource Center and shall thereafter forfeit his right to operate a motor vehicle over the highways of this State for 10 years. For a third or subsequent violation, a person also shall be required to install an ignition interlock device under the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

As used in this section, the phrase "narcotic, hallucinogenic or habit-producing drug" includes an inhalant or other substance containing a chemical capable of releasing any toxic vapors or fumes for the purpose of inducing a condition of intoxication, such as any glue, cement or any other substance containing one or more of the following chemical compounds: acetone and acetate, amyl nitrite or amyl nitrate or their isomers, benzene, butyl alcohol, butyl nitrite, butyl nitrate or their isomers, ethyl acetate, ethyl alcohol, ethyl nitrite or ethyl nitrate, ethylene dichloride, isobutyl alcohol or isopropyl alcohol, methyl alcohol, methyl ethyl ketone, nitrous oxide, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl nitrite or propyl nitrate or their isomers, toluene, toluol or xylene or any other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance.

Whenever an operator of a motor vehicle has been involved in an accident resulting in death, bodily injury or property damage, a police officer shall consider that fact along with all other facts and circumstances in de-

liquor, narcotic, hallucinogenic or habit-producing drug, or operates a motor vehicle with a blood alcohol concentration of 0.08% or more by weight of alcohol in the defendant's blood or permits another person who is under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control or permits another to operate a motor vehicle with a blood alcohol concentration of 0.08% or more by weight of alcohol in the defendant's blood shall be subject:

(1) For the first offense:

(i) if the person's blood alcohol concentration is 0.08% or higher but less than 0.10%, or the person operates a motor vehicle while under the influence of intoxicating liquor, or the person permits another person who is under the influence of intoxicating liquor to operate a motor vehicle owned by him or in his custody or control or permits another person with a blood alcohol concentration of 0.08% or higher but less than 0.10% to operate a motor vehicle, to a fine of not less than $250 nor more than $400 and a period of detainment of not less than 12 hours nor more than 48 hours spent during two consecutive days of not less than six hours each day and served as prescribed by the program requirements of the Intoxicated Driver Resource Centers established under subsection (f) of this section and, in the discretion of the court, a term of imprisonment of not more than 30 days and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of three months;

(ii) if the person's blood alcohol concentration is 0.10% or higher, or the person operates a motor vehicle while under the influence of narcotic, hallucinogenic or habit-producing drug, or the person permits another person who is under the influence of narcotic, hallucinogenic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control, or permits another person with a blood alcohol concentration of 0.10% or more to operate a motor vehicle, to a fine of not less than $300 nor more than $500 and a period of detainment of not less than 12 hours nor more than 48 hours spent during two consecutive days of not less than six hours each day and served as prescribed by the program requirements of the Intoxicated Driver Resource Centers established under subsection (f) of this section and, in the discretion of the court, a term of imprisonment of not more than 30 days and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of not less than seven months nor more than one year;

(iii) For a first offense, a person also shall be subject to the provisions of P.L.1999, c.417 (C.39:4-50.16 et al.).

C.17:48F-17.4 Suspension, revocation of authority to do business.

39. The commissioner may suspend or revoke the authority to do business in this State of any prepaid prescription services organization that does not comply with the provisions of sections 36 through 40 of P.L.2014, c.81 (C.17:48F-17.1 through C.17:48F-17.5).

C.17:48F-17.5 Rules, regulations.

40. The commissioner may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of sections 36 through 40 of P.L.2014, c.81 (C.17:48F-17.1 through C.17:48F-17.5). Such rules and regulations shall be consistent with the standards for risk based capital for health organizations adopted by the National Association of Insurance Commissioners.

C.17:48H-22.1 Definitions.

41. As used in sections 41 through 45 of P.L.2014, c.81 (C.17:48H-22.1 through C.17:48H-22.5):

"Commissioner" means the Commissioner of Banking and Insurance.

"Licensed organized delivery system" means an entity authorized to transact business in this State as a licensed organized delivery system pursuant to P.L.1999, c.409 (C.17:48H-1 et seq.).

C.17:48H-22.2 Increase in amount of capital or surplus required of licensed organized delivery system.

42. The commissioner may increase the amount of capital or surplus required of a licensed organized delivery system, or subsequently revise or redetermine that increase, using appropriate methods and procedures established by rules and regulations adopted by the commissioner, in order to provide adequate protection against risks affecting the licensed organized delivery system's financial condition that are not adequately or fully covered by its reserves or other assets, but under no circumstances shall a licensed organized delivery system's capital or surplus be less than the capital or surplus required pursuant to regulation as prescribed by the commissioner; provided, however, that any increase required by a subsequent revision or redetermination pursuant to this section shall be made only after a departmental hearing, unless that hearing is waived by the affected licensed organized delivery system. All matters pertaining to a hearing or to an increase in capital or surplus pursuant to this section shall be confidential and not subject to subpoena or public inspection, except to the extent that the commissioner finds release of that information necessary to protect the pub-

lic. The hearing shall be initiated within 20 days after written notice to the licensed organized delivery system. Any declaration regarding an increase required by a subsequent revision or redetermination shall contain findings specifying the factors deemed significant in regard to the particular licensed organized delivery system, and shall set forth the reasons supporting the increase of capital or surplus ordered by the commissioner. In determining any increase, revision or redetermination in the amount of capital or surplus, the commissioner shall consider the risks of:

a. Increases or decreases in the frequency and severity of losses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates that the licensed organized delivery system charged for coverage and above or below those reasonably expected under normal conditions;

b. Increases or decreases in expenses under normal operating conditions, as well as increases or decreases in those values, above or below the levels contemplated by the rates the licensed organized delivery system charged for coverage and above or below those reasonably expected under normal conditions;

c. Increases or decreases in the value of, or return on, invested assets under normal operating conditions, as well as increases or decreases in those values, above or below those levels anticipated under normal conditions;

d. Changes in economic, social or market conditions that could adversely or favorably affect the financial condition of the licensed organized delivery system, including conditions that would make liquidity more or less important than contemplated and would prevent or facilitate timely investments or force or prohibit untimely sales of assets; and

e. Any other contingencies, including reinsurance and unfunded or extra contractual obligations, which may affect the licensed organized delivery system's financial condition.

C.17:48H-22.3 Determination of increase, revision or redetermination; factors.

43. In determining any increase, revision or redetermination in the capital or surplus of a licensed organized delivery system pursuant to the provisions of section 42 of P.L.2014, c.81 (C.17:48H-22.2) the commissioner shall take into account the following factors:

a. Methods and techniques used to measure risk exposure and variability;

b. The information available relating to the magnitude of the various risks described in section 42 of P.L.2014, c.81 (C.17:48H-22.2);

c. The extent to which risks described in section 42 of P.L.2014, c.81 (C.17:48H-22.2) are independent or interrelated, and whether any dependency is direct or inverse;

d. The extent to which the licensed organized delivery system has provided protection against contingencies in ways other than the establishment of surplus, including, but not limited to: redundancy of premiums; margin in reserves and liabilities; adjustability of contracts pursuant to the terms of the contracts; voluntary or mandatory investment valuation reserves; reinsurance; the use of conservative actuarial assumptions to provide a margin of security; reserve adjustments after rate increases for policies written at earlier and less adequate rates; contingency or catastrophe reserves; and diversification of assets and underwriting risk; and

e. Any other relevant factors, including the National Association of Insurance Commissioners' reports and independent judgments of the soundness of the licensed organized delivery system's financial condition, as evidenced by the rating and reports of reliable professional financial services.

C.17:48H-22.4 Suspension, revocation of authority to do business.

44. The commissioner may suspend or revoke the authority to do business in this State of any licensed organized delivery system that does not comply with the provisions of sections 41 through 45 of P.L.2014, c.81 (C.17:48H-22.1 through C.17:48H-22.5).

C.17:48H-22.5 Rules, regulations.

45. The commissioner may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of sections 41 through 45 of P.L.2014, c.81 (C.17:48H-22.1 through C.17:48H-22.5). Such rules and regulations shall be consistent with the standards for risk based capital for health organizations adopted by the National Association of Insurance Commissioners.

C.17:23-27 Purpose of sections C.17:23-27 through C.17:23-37.

46. a. The purpose of sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) is to provide the requirements for maintaining a risk management framework and completing an Own Risk and Solvency Assessment (ORSA) and provide guidance and instructions for filing an ORSA Summary Report with the Commissioner of Banking and Insurance.

b. The requirements of sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) shall apply to all insurers domiciled in this State unless exempt pursuant to section 51 of P.L.2014, c.81 (C.17:23-32).

c. The Legislature finds and declares that the ORSA Summary Report shall contain confidential and sensitive information related to an insurer or insurance group's identification of risks material and relevant to the insurer or insurance group filing the report. This information will include proprietary and trade secret information that has the potential for harm and competitive disadvantage to the insurer or insurance group if the information is made public. It is the intent of this Legislature that, notwithstanding any other law to the contrary, the ORSA Summary Report shall be a confidential document filed with the commissioner, that the ORSA Summary Report shall be shared only as stated herein and to assist the commissioner in the performance of his or her duties, and that in no event shall the ORSA Summary Report be subject to public disclosure.

C.17:23-28 Definitions.

47. For the purposes of sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37):

"Commissioner" means the Commissioner of Banking and Insurance.

"Insurance group" for the purpose of conducting an ORSA, means those insurers and affiliates included within an insurance holding company system as defined in P.L.1970, c.22 (C.17:27A-1 et seq.).

"Insurer" shall have the same meaning as set forth in section 2 of P.L.1993, c.236 (C.17:23-21), except that it shall not include agencies, authorities or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

"Own Risk and Solvency Assessment" or "ORSA" means a confidential internal assessment, appropriate to the nature, scale and complexity of an insurer or insurance group, conducted by that insurer or insurance group of the material and relevant risks associated with the insurer or insurance group's current business plan, and the sufficiency of capital resources to support those risks.

"ORSA Guidance Manual" means the current version of the *Own Risk and Solvency Assessment Guidance Manual* developed and adopted by the National Association of Insurance Commissioners (NAIC) and as amended from time to time. A change in the ORSA Guidance Manual shall be effective on the January 1 following the calendar year in which the changes have been adopted by the NAIC.

"ORSA Summary Report" means a confidential high-level summary of an insurer or insurance group's ORSA.

C.17:23-29 Maintenance of risk management framework.

48. An insurer shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing and reporting on its material and relevant risks. This requirement may be satisfied if the insurance group of which the insurer is a member maintains a risk management framework applicable to the operations of the insurer.

C.17:23-30 ORSA conducted, process.

49. Except as provided in section 51 of P.L.2014, c.81 (C.17:23-32), an insurer, or the insurance group of which the insurer is a member, shall regularly conduct an ORSA consistent with a process comparable to the ORSA Guidance Manual. The ORSA shall be conducted no less than annually but also at any time when there are significant changes to the risk profile of the insurer or the insurance group of which the insurer is a member.

C.17:23-31 Submission of ORSA Summary Report.

50. a. Upon the commissioner's request, and no more than once each year, an insurer shall submit to the commissioner an ORSA Summary Report or any combination of reports that together contain the information described in the ORSA Guidance Manual applicable to the insurer or the insurance group of which it is a member. Notwithstanding any request from the commissioner, if the insurer is a member of an insurance group, the insurer shall submit the report or reports required by this subsection if the commissioner is the lead state commissioner of the insurance group as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners.

b. The report or reports shall include a signature of the insurer or insurance group's chief risk officer or other executive having responsibility for the oversight of the insurer's enterprise risk management process attesting to the best of the individual's belief and knowledge that the insurer applies the enterprise risk management process described in the ORSA Summary Report and that a copy of the report has been provided to the insurer's board of directors or the appropriate committee thereof.

c. An insurer may comply with subsection a. of this section by providing the most recent and substantially similar report or reports provided by the insurer or another member of an insurance group of which the insurer is a member to the commissioner of another state or to a supervisor or regulator of a foreign jurisdiction, if that report provides information that is comparable to the information described in the ORSA Guidance Manual.

Any such report in a language other than English must be accompanied by a translation of that report into the English language.

C.17:23-32 Exemptions.

51. a. An insurer shall be exempt from the requirements of sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37), if:

(1) The insurer has annual direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation and National Flood Insurance Program, less than $500,000,000; and

(2) The insurance group of which the insurer is a member has annual direct written and unaffiliated assumed premium including international direct and assumed premium, but excluding premiums reinsured with the Federal Crop Insurance Corporation and National Flood Insurance Program, less than $1,000,000,000.

b. If an insurer qualifies for exemption pursuant to paragraph (1) of subsection a. of this section, but the insurance group of which the insurer is a member does not qualify for exemption pursuant to paragraph (2) of subsection a. of this section, then the ORSA Summary Report that may be required pursuant to section 50 of P.L.2014, c.81 (C.17:23-31), shall include every insurer within the insurance group. This requirement may be satisfied by the submission of more than one ORSA Summary Report for any combination of insurers so long as any combination of reports includes every insurer within the insurance group.

c. If an insurer does not qualify for exemption pursuant to paragraph (1) of subsection a. of this section, but the insurance group of which it is a member qualifies for exemption pursuant to paragraph (2) of subsection a. of this section, then the only ORSA Summary Report that may be required pursuant to section 50 of P.L.2014, c.81 (C.17:23-31) shall be the report applicable to that insurer.

d. An insurer that does not qualify for exemption pursuant to subsection a. of this section may apply to the commissioner for a waiver from the requirements of sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) based upon unique circumstances. In deciding whether to grant the insurer's request for waiver, the commissioner may consider the type and volume of business written, ownership and organizational structure, and any other factor the commissioner considers relevant to the insurer or insurance group of which the insurer is a member. If the insurer is part of an insurance group with insurers domiciled in more than one state, the commissioner shall coordinate with the lead state commissioner

and with the other domiciliary commissioners in considering whether to grant the insurer's request for a waiver.

e. Notwithstanding the exemptions stated in this section:

(1) The commissioner may require that an insurer maintain a risk management framework, conduct an ORSA and file an ORSA Summary Report based on unique circumstances including, but not limited to, the type and volume of business written, ownership and organizational structure, federal agency requests, and international supervisor requests.

(2) The commissioner may require that an insurer maintain a risk management framework, conduct an ORSA and file an ORSA Summary Report if:

(a) the insurer has risk-based capital for a company action level event as set forth in applicable regulations of this State governing risk-based capital;

(b) meets one or more of the standards of an insurer deemed to be in hazardous financial condition as defined in applicable regulations of this State defining standards and commissioner's authority over companies deemed to be in hazardous financial condition; or

(c) otherwise exhibits qualities of a troubled insurer as determined by the commissioner.

f. If an insurer that qualifies for an exemption pursuant to subsection a. of this section subsequently no longer qualifies for that exemption due to changes in premium as reflected in the insurer's most recent annual statement or in the most recent annual statements of the insurers within the insurance group of which the insurer is a member, the insurer shall have one year following the year in which the threshold is exceeded to comply with the requirements of sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37).

C.17:23-33 Preparation, review of ORSA Summary Report.

52. a. The ORSA Summary Report shall be prepared consistent with the ORSA Guidance Manual, subject to the requirements of subsection b. of this section. Documentation and supporting information shall be maintained and made available upon examination or upon request of the commissioner.

b. The review of the ORSA Summary Report, and any additional requests for information, shall be made using similar procedures currently used in the analysis and examination of multi-state or global insurers and insurance groups.

C.17:23-34 Documents, materials deemed proprietary and containing trade secrets.

53. a. Documents, materials or other information, including the ORSA Summary Report, in the possession of or control of the Department of Banking and Insurance that are obtained by, created by or disclosed to the commissioner or any other person pursuant to sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37), shall be recognized by this State as being proprietary and to contain trade secrets. All such documents, materials or other information shall be confidential by law and privileged, shall not be subject to P.L.1963, c.71 (C.47:1A-1 et seq.), shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials or other information public without the prior written consent of the insurer.

b. Neither the commissioner nor any person who received documents, materials or other ORSA-related information, through examination or otherwise, while acting under the authority of the commissioner or with whom such documents, materials or other information are shared pursuant to sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection a. of this section.

c. In order to assist in the performance of the commissioner's regulatory duties, the commissioner:

(1) May, upon request, share documents, materials or other ORSA-related information, including the confidential and privileged documents, materials or information subject to subsection a. of this section, including proprietary and trade secret documents and materials with other state, federal and international financial regulatory agencies, including members of any supervisory college as defined in section 7 of P.L.2014, c.81 (C.17:27A-5.1), with the National Association of Insurance Commissioners (NAIC) and with any third-party consultants designated by the commissioner, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials or other information and has verified in writing the legal authority to maintain confidentiality; and

(2) May receive documents, materials or other ORSA-related information, including otherwise confidential and privileged documents, materials

or information, including proprietary and trade-secret information or documents, from regulatory officials of other foreign or domestic jurisdictions, including members of any supervisory college as defined in section 7 of P.L.2014, c.81 (C.17:27A-5.1), and from the NAIC, and shall maintain as confidential or privileged any documents, materials or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information.

(3) Shall enter into a written agreement with the NAIC or a third-party consultant governing sharing and use of information provided pursuant to sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37), consistent with this subsection c. that shall:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC or a third-party consultant pursuant to sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37), including procedures and protocols for sharing by the NAIC with other state regulators from states in which the insurance group has domiciled insurers. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the ORSA-related documents, materials or other information and has verified in writing the legal authority to maintain confidentiality;

(b) Specify that ownership of information shared with the NAIC or a third-party consultant pursuant to sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) remains with the commissioner, and the NAIC's or a third-party consultant's use of the information is subject to the direction of the commissioner;

(c) Prohibit the NAIC or third-party consultant from storing the information shared pursuant to sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) in a permanent database after the underlying analysis is completed;

(d) Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC or a third-party consultant pursuant to sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) is subject to a request or subpoena to the NAIC or a third-party consultant for disclosure or production;

(e) Require the NAIC or a third-party consultant to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or a third-party consultant may be required to disclose confidential information about the insurer shared with the NAIC or a third-party con-

sultant pursuant to sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37); and

(f) In the case of an agreement involving a third-party consultant, provide for the insurer's written consent.

d. The sharing of information and documents by the commissioner pursuant to sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) shall not constitute a delegation of regulatory authority or rulemaking, and the commissioner is solely responsible for the administration, execution and enforcement of the provisions of sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37).

e. No waiver of any applicable privilege or claim of confidentiality in the documents, proprietary and trade-secret materials or other ORSA-related information shall occur as a result of disclosure of such ORSA-related information or documents to the commissioner pursuant to this section or as a result of sharing as authorized in sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37).

f. Documents, materials or other information in the possession or control of the NAIC or a third-party consultant pursuant to sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) shall be confidential by law and privileged, shall not be subject to P.L.1963, c.71 (C.47:1A-1 et seq.), shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

C.17:23-35 Failure to file ORSA Summary Report; penalty.

54. Any insurer failing, without just cause, to timely file the ORSA Summary Report as required in sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) shall be required, after notice and opportunity for a hearing, to pay a penalty of up to $5,000 for each day's delay, to be recovered by the commissioner and the penalty so recovered shall be paid into the General Fund of this State.

C.17:23-36 Severability.

55. If any provision of sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37), or the application thereof to any person or circumstance, is held invalid, such determination shall not affect the provisions or applications of sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) which can be given effect without the invalid provision or application, and to that end the provisions of sections 46 through 56 of P.L.2014, c.81 (C.17:23-27 through C.17:23-37) are severable.

C.17:23-37 First filing of ORSA Summary Report in 2015.

56. The first filing of the ORSA Summary Report shall be in 2015 pursuant to section 50 of P.L.2014, c.81 (C.17:23-31).

57. Section 6 of P.L.1996, c.45 (C.17:1-15) is amended to read as follows:

C.17:1-15 Duties, authority of commissioner.

6. The commissioner, as administrator and chief executive officer of the department, shall:

a. Administer the work of the department;

b. Appoint and remove officers and other personnel employed within the department, subject to the provisions of Title 11A of the New Jersey Statutes, and other applicable statutes, except as otherwise specifically provided;

c. Perform, exercise and discharge the functions, powers and duties of the department through those divisions established by law or as the commissioner deems necessary;

d. Organize the work of the department pursuant to the structure or organizational units the commissioner determines to be necessary for efficient and effective operation, and which are not inconsistent with the provisions of this 1996 amendatory and supplementary act;

e. Formulate, adopt, issue and promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in the name of the department, rules and regulations authorized by law for the efficient conduct of the work and general administration of the department, and the appropriate regulation of the institutions, companies, agencies, boards, commissions, and other entities within its jurisdiction, including licensees, officers and employees as authorized by law;

f. Determine all matters of policy within the commissioner's jurisdiction;

g. Institute or cause to be instituted the legal proceedings or processes necessary to enforce properly and give effect to any of the commissioner's powers or duties;

h. Make a report each year to the Governor and to the Legislature of the department's operations for the preceding fiscal year, and render such other reports as the Governor shall from time to time request, or as may be required by law;

i. Appoint advisory committees which may be desirable to advise and assist the department or a division in carrying out its functions and duties;

j. Have the power, in addition to any powers prescribed by law, to order any person violating any provision of Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes to cease and desist from engaging in such conduct;

k. Perform such other functions as may be prescribed by law in this act or by any other law; and

l. Maintain suitable headquarters for the department and such other quarters as the commissioner shall deem necessary to the proper functioning of the department.

C.17B:19-1.1 Definitions.

58. For the purposes of chapter 19 of Title 17B of the New Jersey Statutes, N.J.S.17B:25-19, and sections 58, 60, 63, 64, 65 and 66 of P.L.2014, c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14) the following definitions shall apply on or after the operative date of the valuation manual:

"Accident and health insurance" means a contract that incorporates morbidity risk and provides protection against economic loss resulting from accident, sickness, or medical conditions and as may be specified in the valuation manual.

"Appointed actuary" means a qualified actuary who is appointed in accordance with the valuation manual to prepare the actuarial opinion required in subsection e. of section 2 of P.L.1995, c.339 (C.17B:19-10).

"Company" means an entity, which:

(1) has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in this State and has at least one such policy in force or on claim; or

(2) has written, issued, or reinsured life insurance contracts, accident and health insurance contracts, or deposit-type contracts in any state and is required to hold a certificate of authority to write life insurance, accident and health insurance, or deposit-type contracts in this State.

"Deposit-type contract" means contracts that do not incorporate mortality or morbidity risks and as may be specified in the valuation manual.

"Life insurance" means contracts that incorporate mortality risk, including annuity and pure endowment contracts, and as may be specified in the valuation manual.

"NAIC" means the National Association of Insurance Commissioners.

"Policyholder behavior" means any action a policyholder, contract holder or any other person with the right to elect options, such as a certificate holder, may take under a policy or contract subject to sections 58, 60,

63, 64, 65 and 66 of P.L.2014, c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14) including, but not limited to, lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization, or benefit elections prescribed by the policy or contract but excluding events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract.

"Principle-based valuation" means a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and is required to comply with section 64 of P.L.2014, c.81 (C.17B:19-12) as specified in the valuation manual.

"Qualified actuary" means an individual who is qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements and who meets the requirements specified in the valuation manual.

"Tail risk" means a risk that occurs either where the frequency of low probability events is higher than expected under a normal probability distribution or where there are observed events of very significant size or magnitude.

"Valuation manual" means the manual of valuation instructions adopted by the NAIC as specified in sections 58, 60, 63, 64, 65 and 66 of P.L.2014, c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14) or as subsequently amended.

59. N.J.S.17B:19-2 is amended to read as follows:

Annual valuation of reserve liabilities for outstanding policies; foreign and alien insurers.

17B:19-2. The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this State issued prior to the operative date of the valuation manual, except that in the case of an alien insurer, such valuation shall be limited to its United States business, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or other) used in the calculation of such reserves. All valuations made by him or by his authority shall be upon the net premium basis or such modifications thereof as are provided by law. In calculating such reserves, he may use group methods and approximate averages for fractions of a year or otherwise and, with the concurrence of the insurer, make classifications of benefits by years of issue according to

such relevant factors as the date as of which the rated age of the insured is determined, the date as of which the benefits have been provided or the premium rates have been changed, or, for policies under which premium rates are guaranteed for a limited period of time, the most recent date as of which the insurer had the right to modify those premium rates. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standards provided by law and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.

Any such insurer which at any time shall have adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standards provided by law may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum standards so provided.

Except in the case of policies for which the reserve liabilities are valued on the basis of the provisions of the standard valuation law contained in N.J.S.17B:19-8 or policies issued on or after the operative date of the valuation manual, all valuations made by the commissioner or by his authority shall be upon the net premium basis, or such modification thereof as hereinafter expressly provided; and all policies issued prior to January 1, 1901, shall be valued according to the actuaries' table of mortality, with compound interest at the rate of 4% per annum, except in cases where a life insurer elects or has elected to have the policies or any class thereof valued according to the American Experience table of mortality, or according to the American Men Ultimate table of mortality, with compound interest at the rate of either 3% or 3 1/2% per annum or with the approval of the commissioner at a rate of less than 3% per annum; and all policies issued on or after January 1, 1901, shall be valued according to the American Experience table of mortality, with compound interest at the rate of 3 1/2 % per annum, except in cases where a life insurer elects or has elected to have such policies or any class thereof valued according to the American Experience table of mortality with compound interest at a rate of less than 3 1/2% per annum but not less than 3% per annum or with the approval of the commissioner at a rate of less than 3% per annum; and except in cases where any life insurer with the approval of the commissioner may elect or

shall have elected to have its ordinary policies or any class thereof valued according to the American Men Ultimate table of mortality, with compound interest at a rate which is not more than 3 1/2% per annum. The minimum standard for the valuation of group term insurance policies under which premium rates are not guaranteed for a period in excess of 5 years shall be the American Men Ultimate table of mortality with interest at 3 1/2 % per annum. The commissioner may vary the standards of interest and mortality in the case of annuities and industrial policies and of invalid lives and other extra hazards. When the actual premium charged for an insurance policy is less than the net premium for the insurance, computed according to the table of mortality, and the rate of interest prescribed herein, the value of the policy shall be increased by the value of an annuity, the amount of which shall equal the difference between the premiums and the term of which in years shall equal the number of future annual payments receivable on the insurance after the date of valuation.

Reserves for all policies and contracts to which the foregoing standards apply may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by this section.

C.17B:19-2.1 Annual valuation of reserve liabilities.

60. The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts of every company issued on or after the operative date of the valuation manual. In lieu of the valuation of the reserves required of a foreign or alien company, the commissioner may accept a valuation made, or caused to be made, by the insurance supervisory official of any State or other jurisdiction when the valuation complies with the minimum standard provided in sections 58, 60, 63, 64, 65 and 66 of P.L.2014, c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14). The provisions set forth in sections 63 and 64 of P.L.2014, c.81 (C.17B:19-11 and C.17B:19-12) shall apply to all policies and contracts issued on or after the operative date of the valuation manual.

61. N.J.S.17B:19-5 is amended to read as follows:

Calculations of policy and loss reserves for accident and health insurance.

17B:19-5. The commissioner shall annually make or cause to be made or shall annually require the insurer to make calculations of policy and loss re-

serves for accident and health insurance written by insurers authorized to write accident and health insurance in this State as defined in N.J.S.17B:17-4. The commissioner shall promulgate regulations establishing the minimum standards applicable to the valuation of accident and health insurance reserves.

62. Section 2 of P.L.1995, c.339 (C.17B:19-10) is amended to read as follows:

C.17B:19-10 Reserves, related actuarial items; annual opinion of qualified actuary.

2. a. For years ending prior to the operative date of the valuation manual, every insurer authorized to transact life, health or annuity business and every fraternal benefit society doing business in this State shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by regulation are: computed appropriately; based on assumptions which satisfy contractual provisions; and consistent with prior reported amounts and comply with applicable laws of this State. The commissioner shall define by regulation the specifics of this opinion and add such other items deemed to be necessary to its scope.

b. (1) Every insurer authorized to transact life, health or annuity business and every fraternal benefit society, except as exempted by the commissioner by regulation, shall also annually include in the opinion required pursuant to subsection a. of this section, an opinion of the same qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the commissioner by regulation, when considered in light of the assets held by the insurer or society with respect to the reserves and related actuarial items, including, but not limited to, the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the insurer's or society's obligations under the policies and contracts, including, but not limited to, the benefits under and expenses associated with the policies and contracts.

(2) The commissioner may provide by regulation for a transition period for establishing any higher reserves which the qualified actuary may deem necessary in order to render the opinion required by this section.

c. Each opinion required pursuant to subsection b. of this section shall be governed by the following provisions:

(1) A memorandum, in form and substance acceptable to the commissioner as specified by regulation, shall be prepared to support each actuarial opinion.

(2) If the insurer or society fails to provide a supporting memorandum at the request of the commissioner within a period specified by regulation, or the commissioner determines that the supporting memorandum provided by the insurer or society fails to meet the standards prescribed by regulation or is otherwise unacceptable to the commissioner, the commissioner may engage a qualified actuary at the expense of the insurer or society to review the opinion and the basis for the opinion and prepare such supporting memorandum as is required by the commissioner.

d. Every opinion shall be governed by the following provisions:

(1) The opinion shall be submitted with the annual statement reflecting the valuation of reserves for each year ending on or after December 31, 1995.

(2) The opinion shall apply to all policies or contracts in force, including individual and group health insurance plans, in form and substance acceptable to the commissioner as specified by regulation.

(3) The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board and on such additional standards as the commissioner may by regulation prescribe.

(4) In the case of an opinion required to be submitted by a foreign or alien insurer or fraternal benefit society, the commissioner may accept the opinion filed by that insurer or society with the insurance supervisory official of another state or jurisdiction if the commissioner determines that the opinion reasonably meets the requirements applicable to an insurer or society domiciled in this State.

(5) (Deleted by amendment, P.L.2014, c.81)

(6) Except in cases of fraud or willful misconduct, the qualified actuary shall not be liable for damages to any person, other than the insurer, the fraternal benefit society and the commissioner, for any act, error, omission, decision or conduct with respect to the actuary's opinion.

(7) Disciplinary action by the commissioner against the insurer, fraternal benefit society or the qualified actuary shall be defined in regulation by the commissioner.

(8) (Deleted by amendment, P.L.2014, c.81)

e. On or after the operative date of the valuation manual, every company with outstanding life insurance contracts, accident and health insurance contracts or deposit-type contracts in this State and subject to regulation by the commissioner shall annually submit the opinion of the appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts and comply with applicable laws of this State.

The valuation manual will prescribe the specifics of this opinion including any items deemed to be necessary to its scope.

f. Every company with outstanding life insurance contracts, accident and health insurance contracts or deposit-type contracts in this State and subject to regulation by the commissioner, except as exempted in the valuation manual, shall also annually include in the opinion required by subsection e. of this section, an opinion of the same appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified in the valuation manual, when considered in light of the assets held by the company with respect to the reserves and related actuarial items, including but not limited to the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision for the company's obligations under the policies and contracts, including but not limited to the benefits under and expenses associated with the policies and contracts.

g. Each opinion required by subsection e. of this section shall be governed by the following provisions:

(1) A memorandum, in form and substance as specified in the valuation manual, and acceptable to the commissioner, shall be prepared to support each actuarial opinion.

(2) If the insurer fails to provide a supporting memorandum at the request of the commissioner within a period specified in the valuation manual or the commissioner determines that the supporting memorandum provided by the insurer fails to meet the standards prescribed by the valuation manual or is otherwise unacceptable to the commissioner, the commissioner may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting memorandum required by the commissioner.

h. Every opinion required by subsection e. of this section shall be governed by the following provisions:

(1) The opinion shall be in form and substance as specified in the valuation manual and acceptable to the commissioner.

(2) The opinion shall be submitted with the annual statement reflecting the valuation of such reserve liabilities for each year ending on or after the operative date of the valuation manual.

(3) The opinion shall apply to all policies and contracts subject to subsection f. of this section, plus other actuarial liabilities as may be specified in the valuation manual.

(4) The opinion shall be based on standards adopted from time to time by the Actuarial Standards Board or its successor, and on such additional standards as may be prescribed in the valuation manual.

(5) In the case of an opinion required to be submitted by a foreign or alien company, the commissioner may accept the opinion filed by that company with the insurance supervisory official of another state if the commissioner determines that the opinion reasonably meets the requirements applicable to a company domiciled in this State.

(6) Except in cases of fraud or willful misconduct, the appointed actuary shall not be liable for damages to any person, other than the insurance company and the commissioner, for any act, error, omission, decision or conduct with respect to the appointed actuary's opinion.

(7) Disciplinary action by the commissioner against the company or the appointed actuary shall be prescribed and defined in regulations by the commissioner.

C.17B:19-11 Standards for policies issued on or after operative date of valuation manual.

63. a. For policies issued on or after the operative date of the valuation manual, the standard prescribed in the valuation manual is the minimum standard of valuation required under section 60 of P.L.2014, c.81 (C.17B:19-2.1) except as provided under subsection e. or g. of this section.

b. The operative date of the valuation manual is January 1 of the first calendar year following the first July 1 as of which all of the following have occurred:

(1) The valuation manual has been adopted by the NAIC by an affirmative vote of at least 42 members, or three-fourths of the members voting, whichever is greater.

(2) The NAIC Model Standard Valuation Law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by States representing greater than 75% of the direct premiums written as reported in the following annual statements submitted for 2008: life, accident and health annual statements; health annual statements; or fraternal annual statements.

(3) The NAIC Model Standard Valuation Law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions, has been enacted by at least 42 of the following 55 jurisdictions: The 50 States of the United States, American Samoa, the American Virgin Islands, the District of Columbia, Guam, and Puerto Rico.

c. Unless a change in the valuation manual specifies a later effective date, changes to the valuation manual shall be effective on January 1 following the date when all of the following have occurred:

(1) The change to the valuation manual has been adopted by the NAIC by an affirmative vote representing:

(a) At least three-fourths (3/4) of the members of the NAIC voting, but not less than a majority of the total membership, and

(b) Members of the NAIC representing jurisdictions totaling greater than 75% of the direct premiums written as reported in the following annual statements most recently available prior to the vote in subparagraph (a) of paragraph (1) of this subsection: life, accident and health annual statements, health annual statements, or fraternal annual statements.

(2) No later than 30 days before the operative date of the valuation manual or any changes thereto adopted by the NAIC, the commissioner shall by order notify all companies as defined in section 58 of P.L.2014, c.81 (C.17B:19-1.1) of the adoption and its operative date. Failure to provide this notice shall not delay the operative date of the valuation manual or any changes thereto.

d. The valuation manual must specify all of the following:

(1) Minimum valuation standards for and definitions of the policies or contracts subject to section 60 of P.L.2014, c.81 (C.17B:19-2.1). Such minimum valuation standards shall be:

(a) The commissioner's reserve valuation method for life insurance contracts, other than annuity contracts, subject to section 60 of P.L.2014, c.81 (C.17B:19-2.1);

(b) The commissioner's annuity reserve valuation method for annuity contracts subject to section 60 of P.L.2014, c.81 (C.17B:19-2.1); and

(c) Minimum reserves for all other policies or contracts subject to section 60 of P.L.2014, c.81 (C.17B:19-2.1);

(2) Which policies or contracts or types of policies or contracts that are subject to the requirements of a principle-based valuation in subsection a. of section 64 of P.L.2014, c.81 (C.17B:19-12) and the minimum valuation standards consistent with those requirements;

(3) For policies and contracts subject to a principle-based valuation under section 64 of P.L.2014, c.81 (C.17B:19-12):

(a) Requirements for the format of reports to the commissioner under paragraph 3 of subsection b. of section 64 of P.L.2014, c.81 (C.17B:19-12) and which shall include information necessary to determine if the valuation is appropriate and in compliance with sections 58, 60, 63, 64, 65 and 66 of

P.L.2014, c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14);

(b) Assumptions shall be prescribed for risks over which the company does not have significant control or influence.

(c) Procedures for corporate governance and oversight of the actuarial function, and a process for appropriate waiver or modification of such procedures.

(4) For policies not subject to a principle-based valuation under section 64 of P.L.2014, c.81 (C.17B:19-12) the minimum valuation standard shall either:

(a) Be consistent with the minimum standard of valuation prior to the operative date of the valuation manual; or

(b) Develop reserves that quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring;

(5) Other requirements, including, but not limited to, those relating to reserve methods, models for measuring risk, generation of economic scenarios, assumptions, margins, use of company experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memorandums, transition rules and internal controls; and

(6) The data and form of the data required under section 65 of P.L.2014, c.81 (C.17B:19-13) with whom the data must be submitted, and may specify other requirements, including data analyses and reporting of analyses.

e. In the absence of a specific valuation requirement or if a specific valuation requirement in the valuation manual is not, in the opinion of the commissioner, in compliance with sections 58, 60, 63, 64, 65 and 66 of P.L.2014, c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14), then the company shall, with respect to such requirements, comply with minimum valuation standards prescribed by the commissioner by regulation.

f. The commissioner may engage a qualified actuary, at the expense of the company, to perform an actuarial examination of the company and opine on the appropriateness of any reserve assumption or method used by the company, or to review and opine on a company's compliance with any requirement set forth in sections 58, 60, 63, 64, 65 and 66 of P.L.2014, c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14). The commissioner may rely upon the opinion, regarding provisions contained within sections 58, 60, 63, 64, 65 and 66 of P.L.2014,

c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14), of a qualified actuary engaged by the commissioner of another state, district or territory of the United States.

As used in this subsection f., the term "engage" includes employment and contracting.

g. The commissioner may require a company to change any assumption or method that in the opinion of the commissioner is necessary in order to comply with the requirements of the valuation manual or sections 58, 60, 63, 64, 65 and 66 of P.L.2014, c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14); and the company shall adjust the reserves as required by the commissioner. The commissioner may suspend or revoke the authority to do business in this State of any company and impose a fine, after notice and a hearing, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) if it fails to comply with any provision of law obligatory upon it under sections 58, 60, 63, 64, 65 and 66 of P.L.2014, c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14).

C.17B:19-12 Establishment of reserves using principle-based valuation.

64. a. A company shall establish reserves using a principle-based valuation that meets the following conditions for policies or contracts as specified in the valuation manual:

(1) Quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the lifetime of the contracts. For policies or contracts with significant tail risk, reflects conditions appropriately adverse to quantify the tail risk.

(2) Incorporate assumptions, risk analysis methods and financial models and management techniques that are consistent with, but not necessarily identical to, those utilized within the company's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods.

(3) Incorporate assumptions that are derived in one of the following manners:

(a) The assumption is prescribed in the valuation manual.

(b) For assumptions that are not prescribed, the assumptions shall:

(i) Be established utilizing the company's available experience, to the extent it is relevant and statistically credible; or

(ii) To the extent that company data is not available, relevant, or statistically credible, be established utilizing other relevant, statistically credible experience.

(4) Provide margins for uncertainty including adverse deviation and estimation error, such that the greater the uncertainty the larger the margin and resulting reserve.

b. A company using a principle-based valuation for one or more policies or contracts subject to this section as specified in the valuation manual shall:

(1) Establish procedures for corporate governance and oversight of the actuarial valuation function consistent with those described in the valuation manual.

(2) Provide to the commissioner and the board of directors an annual certification of the effectiveness of the internal controls with respect to the principle-based valuation. Such controls shall be designed to assure that all material risks inherent in the liabilities and associated assets subject to such valuation are included in the valuation, and that valuations are made in accordance with the valuation manual. The certification shall be based on the controls in place as of the end of the preceding calendar year.

(3) Develop, and file with the commissioner upon request, a principle-based valuation report that complies with standards prescribed in the valuation manual.

c. A principle-based valuation may include a prescribed formulaic reserve component.

C.17B:19-13 Submission of certain data.

65. A company shall submit mortality, morbidity, policyholder behavior, or expense experience and other data as prescribed in the valuation manual.

C.17B:19-14 "Confidential information."

66. a. For purposes of this section "confidential information" means:

(1) A memorandum in support of an opinion submitted under section 2 of P.L.1995, c.339 (C.17B:19-10) and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such a memorandum;

(2) All documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in the

course of an examination made under subsection f. of section 63 of P.L.2014, c.81 (C.17B:19-11); provided, however, that if an examination report or other material prepared in connection with an examination made under N.J.S.17B:21-1 is not held as private and confidential information under N.J.S.17B:21-1, an examination report or other material prepared in connection with an examination made under subsection f. of section 63 of P.L.2014, c.81 (C.17B:19-11) shall not be confidential information to the same extent as if such examination report or other material had been prepared under N.J.S.17B:21-1;

(3) Any reports, documents, materials and other information developed by a company in support of, or in connection with, an annual certification by the company under subsection b. of section 64 of P.L.2014, c.81 (C.17B:19-12) evaluating the effectiveness of the company's internal controls with respect to a principle-based valuation and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such reports, documents, materials and other information;

(4) Any principle-based valuation report developed under paragraph (3) of subsection b. of section 64 of P.L.2014, c.81 (C.17B:19-12) and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with that report; and

(5) Any documents, materials, data and other information submitted by a company under section 65 of P.L.2014, c.81 (C.17B:19-13), collectively, "experience data," and any other documents, materials, data and other information, including, but not limited to, all working papers, and copies thereof, created or produced in connection with such experience data, in each case that include any potentially company-identifying or personally identifiable information, that is provided to or obtained by the commissioner, together with any "experience data," the "experience materials," and any other documents, materials, data and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the commissioner or any other person in connection with such experience materials.

b. (1) Except as provided in this section, a company's confidential information is confidential by law and privileged, and shall not be subject to P.L.1963, c.73 (C.47:1A-1 et seq.), shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil ac-

tion; provided, however, that the commissioner is authorized to use the confidential information in the furtherance of any regulatory or legal action brought against the company as a part of the commissioner's official duties.

(2) Neither the commissioner nor any person who received confidential information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential information.

(3) In order to assist in the performance of the commissioner's duties, the commissioner may share confidential information: (a) with other state, federal and international regulatory agencies and with the National Association of Insurance Commissioners (NAIC) and its affiliates and subsidiaries; and (b) in the case of confidential information specified in paragraphs (1) and (2) of subsection a. of this section only, with the Actuarial Board for Counseling and Discipline or its successor upon request stating that the confidential information is required for the purpose of professional disciplinary proceedings; and (c) with state, federal and international law enforcement officials; in the case of (a) and (b), provided that such recipient agrees, and has the legal authority to agree, to maintain the confidentiality and privileged status of such documents, materials, data and other information in the same manner and to the same extent as required for the commissioner.

(4) The commissioner may receive documents, materials, data and other information, including otherwise confidential and privileged documents, materials, data or information, from the NAIC and its affiliates and subsidiaries, from regulatory or law enforcement officials of other foreign or domestic jurisdictions and from the Actuarial Board for Counseling and Discipline or its successor and shall maintain as confidential or privileged any document, material, data or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or other information.

(5) The commissioner may enter into agreements governing sharing and use of information consistent with this section.

(6) No waiver of any applicable privilege or claim of confidentiality in the confidential information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in paragraph (3) of this subsection b.

(7) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this subsection shall be available and enforced in any proceeding in, and in any court of, this State.

(8) For purposes of this section "regulatory agency," "law enforcement agency" and the "NAIC" shall include, but shall not be limited to, their employees, agents, consultants and contractors.

c. Notwithstanding subsection b. of this section, any confidential information specified in paragraphs (1) and (4) of subsection a. of this section:

(1) May be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the related memorandum in support of an opinion submitted under section 2 of P.L.1995, c.339 (C.17B:19-10) or principle-based valuation report developed under subsection b. of section 64 of P.L.2014, c.81 (C.17B:19-12) by reason of an action required by sections 58, 60, 63, 64, 65 and 66 of P.L.2014, c.81 (C.17B:19-1.1, C.17B:19-2.1, C.17B:19-11, C.17B:19-12, C.17B:19-13 and C.17B:19-14) or by regulations promulgated hereunder;

(2) May otherwise be released by the commissioner with the written consent of the company; and

(3) Once any portion of a memorandum in support of an opinion submitted under section 2 of P.L.1995, c.339 (C.17B:19-10) or a principle-based valuation report developed under subsection b. of section 64 of P.L.2014, c.81 (C.17B:19-12) is cited by the company in its marketing or is publicly volunteered to or before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of such memorandum or report shall no longer be confidential.

67. N.J.S.17B:25-19 is amended to read as follows:

Standard nonforfeiture law for life insurance.

17B:25-19. This section shall be known as the standard nonforfeiture law for life insurance.

a. No policy of life insurance, except as stated in subsection l., shall be delivered or issued for delivery in this State unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder as are the minimum requirements hereinafter specified and are essentially in compliance with subsection k. of this section:

(1) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than 60 days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such amount as may be hereinafter specified. In lieu of such stipulated paid-up nonforfeiture benefit, the insurer may substitute, upon proper request not later than 60 days after the

due date of the premium in default, an actuarially equivalent alternative paid-up nonforfeiture benefit which provides a greater amount or longer period of death benefits or, if applicable, a greater amount or earlier payment of endowment benefits.

(2) That, upon surrender of the policy within 60 days after the due date of any premium payment in default after premiums have been paid for at least 3 full years in the case of ordinary insurance or 5 full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(3) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than 60 days after the due date of the premium in default.

(4) That, if the policy shall have become paid up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within 30 days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(5) In the case of policies which cause on a basis guaranteed in the policy unscheduled changes in benefits or premiums, or which provide an option for changes in benefits or premiums other than a change to a new policy, a statement of the mortality table, interest rate, and method used in calculating cash surrender values and the paid-up nonforfeiture benefits available under the policy. In the case of all other policies, a statement of the mortality tables and interest rates used in calculating the cash surrender values and the mortality tables and interest rates used in calculating the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first 20 policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(6) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of the state in which the policy is delivered; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the exis-

tence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of computation of the cash surrender values and paid-up nonforfeiture benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of any cash surrender value for a period of 6 months after demand therefor with surrender of the policy.

b. (Deleted by amendment; P.L.1981, c.285.)

c. Any cash surrender value available under any policy referred to in subsection a. in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection a., shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions, if there had been no default, over the sum of (1) the then present value of the adjusted premiums as defined in subsection g., corresponding to premiums which would have fallen due on and after such anniversary, and (2) the amount of any indebtedness to the insurer on the policy.

Provided, however, that for any policy issued on or after the operative date provided for in paragraph (xi) of subsection h. of N.J.S.17B:25-19, which provides supplemental life insurance or annuity benefits at the option of the insured and for an identifiable additional premium by rider or supplemental policy provision, the cash surrender value referred to in the first paragraph of this subsection shall be an amount not less than the sum of the cash surrender value as defined in that paragraph for an otherwise similar policy issued at the same age without such rider or supplemental policy provision and the cash surrender value as defined in that paragraph for a policy which provides only the benefits otherwise provided by such rider or supplemental policy provision.

Provided, further, that for any family policy issued on or after the operative date provided for in paragraph (xi) of subsection h., which defines a primary insured and provides term insurance on the life of the spouse of the

primary insured expiring before the spouse's age 71, the cash surrender value referred to in the first paragraph of this subsection shall be an amount not less than the sum of the cash surrender value as defined in that paragraph for an otherwise similar policy issued at the same age without such term insurance on the life of the spouse and the cash surrender value as defined in that paragraph for a policy which provides only the benefits otherwise provided by such term insurance on the life of the spouse.

Any cash surrender value available within 30 days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefit, whether or nor required by subsection a., shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the insurer on the policy.

d. Any paid-up nonforfeiture benefit available under any policy referred to in subsection a. in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

e. (Deleted by amendment; P.L.1981, c.285.)

f. (Deleted by amendment; P.L.1981, c.285.)

g. This subsection shall not apply to policies issued on or after the operative date of subsection h. as defined therein. Except as provided in the third paragraph of this subsection, the adjusted premiums for any policy referred to in subsection a. shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding any extra premiums charged because of impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (1) the then present value of the future guaranteed benefits provided for by the policy; (2) 2% of the amount of insurance, if the insurance be uniform in amount or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (3) 40% of the adjusted premium for the first policy year; (4) 25% of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less; provided, however, that in applying the percent-

ages specified in (3) and (4) above, no adjusted premium shall be deemed to exceed 4% of the amount of insurance or uniform amount equivalent thereto. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration, and the benefits under which have the same present value at the date of issue as the benefits under the policy; provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age 10, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age 10 were the amount provided by such policy at age 10.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in the first two paragraphs of this subsection except that, for the purpose of (2), (3) and (4) of the first such paragraph, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (b) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (a).

All adjusted premiums and present values referred to in this subsection shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table. Notwithstanding this provision, for any category of ordinary insurance such calculations may be made, at the option of the insurer, on the basis of the Approved Standard Ordinary Mortality Table; provided, further, that for any category of ordinary insurance issued on female risks adjusted premiums and present values may be calculated, at the option of the insurer with approval of the commissioner, according to an age not more than 6 years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the Commissioners 1961 Standard Industrial Mortality Table.

All calculations shall be made on the basis of the applicable rates of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits not exceeding 5 1/2 % per annum. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than the rates shown in the Commissioners 1958 Extended Term Insurance Table if the adjusted premiums for the policy are calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table, may be not more than 130% of the rates shown in the Approved Standard Ordinary Mortality Table if the adjusted premiums for the policy are calculated on the basis of said table, and may be not more than the rates shown in the Commissioners 1961 Industrial Extended Term Insurance Table if the adjusted premiums for the policy are calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

h. (i) This subsection h. shall apply to all policies issued on or after the operative date established by paragraph (xi) of this subsection h. Except as provided in paragraph (vii) of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments or special hazards and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the date of the policy, of all adjusted premiums shall be equal to the sum of (A) the then present value of the future guaranteed benefits provided for by the policy; (B) 1% of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years; and (C) 125% of the nonforfeiture net level premium as defined in paragraph (ii). Provided, however, that in applying the percentage specified in (C) above no nonforfeiture net level premium shall be deemed to exceed 4% of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years. The date of issue of a policy for the purpose of this section shall be the date as of which the rated age of the insured is determined.

(ii) The nonforfeiture net level premium shall be equal to the present value, at the date of issue of the policy, of the guaranteed benefits provided for by the policy divided by the present value, at the date of issue of the policy, of an annuity of one per annum payable on the date of issue of the policy and on each anniversary of such policy on which a premium falls due.

(iii) In the case of policies which cause on a basis guaranteed in the policy unscheduled changes in benefits or premiums, or which provide an option for changes in benefits or premiums other than a change to a new policy, the adjusted premiums and present values shall initially be calculated on the assumption that future benefits and premiums do not change from those stipulated at the date of issue of the policy. At the time of any such change in the benefits or premiums the future adjusted premiums, nonforfeiture net level premiums and present values shall be recalculated on the assumption that future benefits and premiums do not change from those stipulated by the policy immediately after the change.

(iv) Except as otherwise provided in paragraph (vii) of this subsection, the recalculated future adjusted premiums for any such policy shall be such uniform percentage of the respective future premiums specified in the policy for each policy year, excluding amounts payable as extra premiums to cover impairments and special hazards, and also excluding any uniform annual contract charge or policy fee specified in the policy in a statement of the method to be used in calculating the cash surrender values and paid-up nonforfeiture benefits, that the present value, at the time of change to the newly defined benefits or premiums, of all such future adjusted premiums shall be equal to the excess of the sum of the then present value of the then future guaranteed benefits provided for by the policy and the additional expense allowance, if any, over the then cash surrender value, if any, or present value of any paid-up nonforfeiture benefit under the policy.

(v) The additional expense allowance, at the time of the change to the newly defined benefits or premiums, shall be the sum of 1% of the excess of the average amount of insurance at the beginning of each of the first 10 policy years subsequent to the change over the average amount of insurance prior to the change at the beginning of each of the first 10 policy years subsequent to the time of the most recent previous change, or, if there has been no previous change, the date of issue of the policy; and 125% of the increase, if positive, in the nonforfeiture net level premium.

(vi) The recalculated nonforfeiture net level premium shall be equal to the result obtained by dividing (A) by (B) where

(A) equals the sum of the nonforfeiture net level premium applicable prior to the change times the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date of the change on which a premium would have fallen due had the change not occurred, and the present value of the increase in future guaranteed benefits provided for by the policy, and

(B) equals the present value of an annuity of one per annum payable on each anniversary of the policy on or subsequent to the date or change on which a premium falls due.

(vii) Notwithstanding any other provisions of this subsection to the contrary, in the case of a policy issued on a substandard basis which provides reduced graded amounts of insurance so that, in each policy year, such policy has the same tabular mortality cost as an otherwise similar policy issued on the standard basis which provides higher uniform amounts of insurance, adjusted premiums and present values for such substandard policy may be calculated as if it were issued to provide such higher uniform amounts of insurance on the standard basis.

(viii) For purposes of this subsection, the term "operative date of the valuation manual" means the January 1 of the first calendar year that the valuation manual as defined in section 58 of P.L.2014, c.81 (C.17B:19-1.1) is effective. All adjusted premiums and present values referred to in this subsection shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1980 Standard Ordinary Mortality Table or at the election of the insurer for any one or more specified plans of life insurance, the Commissioners 1980 Standard Ordinary Mortality Table with 10-Year Select Mortality Factors; shall for all policies of industrial insurance be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table; and shall for all policies issued in a particular calendar year be calculated on the basis of a rate of interest not exceeding the nonforfeiture interest rate as defined in paragraph (ix) of this subsection for policies issued in that calendar year. Provided, however, that:

At the option of the insurer, calculations for all policies issued in a particular calendar year may be made on the basis of a rate of interest not exceeding the nonforfeiture interest rate, as defined in this section, for policies issued in the immediately preceding calendar year.

Under any paid-up nonforfeiture benefit, including any paid-up dividend additions, any cash surrender value available, whether or not required by subsection a., shall be calculated on the basis of the mortality table and rate of interest used in determining the amount of such paid-up nonforfeiture benefit and paid-up dividend additions, if any.

An insurer may calculate the amount of any guaranteed paid-up nonforfeiture benefit including any paid-up additions under the policy on the basis of an interest rate not lower than that specified in the policy for calculating cash surrender values.

In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1980 Extended Term Insurance for policies of ordinary insurance and not more than the Commissioners 1961 Industrial Extended Term Insurance Table for policies of industrial insurance.

For insurance issued on a substandard basis, the calculation of such adjusted premiums and present values may be based on appropriate modifications of the aforementioned tables.

For policies issued prior to the operative date of the valuation manual, any Commissioners Standard ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without 10-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table.

For policies issued on or after the operative date of the valuation manual, the valuation manual shall provide the Commissioners Standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without Ten-Year Select Mortality Factors or for the Commissioners 1980 Extended Term Insurance Table. If the commissioner approves by regulation any Commissioners Standard ordinary mortality table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual, then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual.

For policies issued prior to the operative date of the valuation manual, any Commissioners Standard industrial mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the commissioner for use in determining the minimum nonforfeiture standard may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table.

For policies issued on or after the operative date of the valuation manual the valuation manual shall provide the Commissioners Standard mortality table for use in determining the minimum nonforfeiture standard that may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table. If the commissioner approves by regulation any Commissioners Standard industrial mortality table adopted by the National Association of Insurance Commissioners for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual.

(ix) For purposes of this subsection, the term "operative date of the valuation manual" means the January 1 of the first calendar year that the valuation manual as defined in section 58 of P.L.2014, c.81 (C.17B:19-1.1) is effective.

The nonforfeiture interest rate is defined below:

(1) For policies issued prior to the operative date of the valuation manual, the nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be equal to 125% of the calendar year statutory valuation interest rate for such policy as defined in the standard valuation law, paragraph (x) of subsection a. of N.J.S.17B:19-8a., rounded to nearer 1/4 of 1%.

(2) For policies issued on or after the operative date of the valuation manual the nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall be provided by the valuation manual.

(x) Notwithstanding any other provisions in this code (Title 17B) to the contrary, any refiling of nonforfeiture values or their methods of computation for any previously approved policy forms which involves only a change in the interest rate or mortality table used to compute nonforfeiture values shall not require refiling of any other provisions of that policy form.

(xi) After the effective date of this subsection, any insurer may file with the commissioner a written notice of its election to comply, with respect to any category of insurance, with the provisions of this subsection after a specified date before January 1, 1989, which shall be the operative date of this subsection for that category of insurance for such insurer. If an insurer makes no such election with respect to any category of insurance, the operative date of this subsection for that category of insurance issued by such insurer shall be January 1, 1989.

i. In the case of any plan of life insurance which provides for future premium determination, the amounts of which are to be determined by the insurer based on then estimates of future experience, or in the case of any

plan of life insurance which is of such a nature that minimum values cannot be determined by the methods described in the preceding subsections of this section, then:

the commissioner must be satisfied that the benefits provided under the plan are substantially as favorable to policyholders and insureds as the minimum benefits otherwise required by the preceding subsections of this section;

the commissioner must be satisfied that the benefits and the pattern of premiums of that plan are not such as to mislead prospective policyholders or insureds;

the cash surrender values and paid-up nonforfeiture benefits provided by such plan must not be less than the minimum values and benefits required for the plan computed by a method consistent with the principles of this standard nonforfeiture law for life insurance, as determined by regulations promulgated by the commissioner.

j. Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy or contract anniversary. All values referred to in subsections c., d., g., h. and i. may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the amounts used to provide such additions. Notwithstanding the provisions of subsection c., additional benefits payable (1) in the event of death or dismemberment by accident or accidental means, (2) in the event of total and permanent disability, (3) as reversionary annuity or deferred reversionary annuity benefits, (4) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, (5) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is 26, is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and (6) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits. Notwithstanding the provisions of subsection c., additional benefits providing the privilege to purchase additional insurance

benefits at some future time without furnishing evidence of insurability, and premiums therefor, may, with the consent of the commissioner, be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

k. This subsection shall apply to all policies issued on or after January 1, 1985. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary shall be in an amount which does not differ by more than 2/10 of 1% of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years, from the sum of (a) the greater of zero and the basic cash value hereinafter specified and (b) the present value of any existing paid-up additions less the amount of any indebtedness to the insurer under the policy.

The basic cash value shall be equal to the present value, on such anniversary, of the future guaranteed benefits which would have been provided by the policy, excluding any existing paid-up additions and before deduction of any indebtedness to the insurer, if there had been no default, less the then present value of the nonforfeiture factors, as hereinafter defined, corresponding to premiums which would have fallen due on and after such anniversary. Provided, however, that the effects on the basic cash value of supplemental life insurance or annuity benefits or of family coverage, as described in subsection c. or subsection g., whichever is applicable shall be the same as are the effects specified in subsection c. or subsection g., whichever is applicable on the cash surrender values defined therein.

The nonforfeiture factor for each policy year shall be an amount equal to a percentage of the adjusted premium for the policy year, as defined in subsection g. or h., whichever is applicable. Except as required by the next succeeding sentence of this paragraph, such percentage:

shall be the same percentage for each policy year between the second policy anniversary and the later of the fifth policy anniversary and the first policy anniversary at which there is available under the policy a cash surrender value in an amount, before including any paid-up additions and before deducting any indebtedness, of at least 2/10 of 1% of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years; and

shall be such that no percentage after the later of the two policy anniversaries specified in the preceding item may apply to fewer than 5 consecutive policy years.

Provided, that no basic cash value may be less than the value which would be obtained if the adjusted premiums for the policy, as defined in subsection g., or h., whichever is applicable, were substituted for the nonforfeiture factors in the calculation of the basic cash value.

All adjusted premiums and present values referred to in this subsection shall for a particular policy be calculated on the same mortality and interest bases as are used in demonstrating the policy's compliance with the other sections of this amendatory and supplementary act. The cash surrender values referred to in this subsection shall include any endowment benefits provided for by the policy.

Any cash surrender value available other than in the event of default in a premium payment due on a policy anniversary, and the amount of any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment shall be determined in a manner consistent with that specified for determining the appropriate minimum amounts in subsections a., c., d., g., h. and i. The amounts of any cash surrender values and of any paid-up nonforfeiture benefits granted in connection with additional benefits such as those listed as items (1) through (6) in subsection j. shall conform with the principles of this subsection.

l. This section shall not apply to any of the following:

reinsurance,

group insurance,

annuity contract,

single premium pure endowment contract or single premium reversionary annuity contract,

term policy of uniform amount, which provides no guaranteed nonforfeiture or endowment benefits, or renewal thereof, of 20 years or less expiring before age 71, for which uniform premiums are payable during the entire term of the policy,

term policy of decreasing amount which provides no guaranteed nonforfeiture or endowment benefits, on which each adjusted premium, calculated as specified in subsections g. and h. is less than the adjusted premium so calculated on a term policy of uniform amount, or renewal thereof, which provides no guaranteed nonforfeiture endowment benefits, issued at the same age and for the same initial amount of insurance and for a term of 20 years or less expiring before age 71, for which uniform premiums are payable during the entire term of the policy,

policy which provides no guaranteed nonforfeiture or endowment benefits, for which no cash surrender value, if any, or present value of any paid-up nonforfeiture benefit, at the beginning of any policy year, calcu-

lated as specified in subsections c., g., and h. exceeds 2 1/2% of the amount of insurance at the beginning of the same policy year,

policy which shall be delivered outside this State through an agent or other representative of the insurer issuing the policy.

For the purposes of determining the applicability of this section, the age at expiry for a joint term life insurance policy shall be the age at expiry of the oldest life.

68. This act shall take effect immediately except that sections 58 through 67 of this act shall remain inoperative until the operative date of the valuation manual as provided in those sections.

Approved December 26, 2014.

CHAPTER 82

AN ACT concerning certain hospital transactions and amending P.L.2000, c.143.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.2000, c.143 (C.26:2H-7.11) is amended to read as follows:

C.26:2H-7.11 Additional requirements for nonprofit hospitals relative to acquisitions; exemptions; procedures.

2. In addition to the requirements of P.L.1971, c.136 (C.26:2H-1 et seq.) concerning certificate of need and licensure requirements, a nonprofit hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) shall satisfy the requirements of P.L.2000, c.143 (C.26:2H-7.10 et seq.) before applying to the Superior Court of New Jersey for approval prior to entering into a transaction that results in the acquisition of the hospital as defined in P.L.2000, c.143 (C.26:2H-7.10 et seq.). The proposed acquisition shall be subject to the prior review of the Attorney General, in consultation with the Commissioner of Health, pursuant to the provisions of this section. The Attorney General shall review the application in furtherance of his common law responsibilities as protector, supervisor, and enforcer of charitable trusts and charitable corporations.

For the purposes of P.L.2000, c.143 (C.26:2H-7.10 et seq.), "acquisition" means the purchase, lease, exchange, conversion, restructuring, merger, division, consolidation, transfer of control, or other disposition of a substantial amount of assets or operations, whether through a single transaction or series of transactions, with one or more persons or entities.

P.L.2000, c.143 (C.26:2H-7.10 et seq.) shall not apply to a nonprofit hospital if the proposed acquisition is in the usual and regular course of its activities and the Attorney General has given the nonprofit hospital a written waiver as to the proposed acquisition. As used in this section, a proposed acquisition is not in the usual and regular course of a nonprofit hospital's activities if it effects a fundamental corporate change that involves transfer of ownership or control of charitable assets or a change of the nonprofit hospital's mission or purpose.

a. (1) Within five working days of submitting an application pursuant to this section, the nonprofit hospital shall publish a notice of the proposed acquisition, in a form approved by the Attorney General, in a newspaper of general circulation in the service area of the hospital once per week for three weeks. The notice shall state the names of the parties to the agreement, describe the contents of the application to the Attorney General, and state the date by which a person may submit written comments about the application to the Attorney General.

(2) Within 30 days after receipt of an initial application, the Attorney General shall advise the applicant in writing whether the application is complete, and, if not, shall specify what additional information is required.

(3) The Attorney General shall, upon receipt of the information requested, notify the applicant in writing of the date of completion of the application.

b. Within 90 days of the date of completion of the application, the Attorney General, in consultation with the Commissioner of Health, shall review the application and support the proposed acquisition, with or without any specific modifications, or, if the Attorney General finds that it is not in the public interest, oppose the proposed acquisition. The Attorney General or commissioner may, for good cause, extend the time for review of an application submitted pursuant to this section.

The proposed acquisition shall not be considered to be in the public interest unless the Attorney General determines that appropriate steps have been taken to safeguard the value of the charitable assets of the hospital and to ensure that any proceeds from the proposed acquisition are irrevocably dedicated for appropriate charitable health care purposes; and the Commissioner of Health determines that the proposed transaction is not likely to

result in the deterioration of the quality, availability, or accessibility of health care services in the affected communities.

c. In determining whether the acquisition meets the criteria of subsection b. of this section, the Attorney General shall consider:

(1) Whether the acquisition is permitted under the "New Jersey Nonprofit Corporation Act," Title 15A of the New Jersey Statutes, and other applicable State statutes governing nonprofit corporations;

(2) Whether the nonprofit hospital exercised due diligence in deciding to effectuate the acquisition, selecting the other party to the acquisition and negotiating the terms and conditions of the acquisition;

(3) The procedures used by the nonprofit hospital in making its decision, including whether appropriate expert assistance was used;

(4) Whether conflicts of interest were disclosed, including, but not limited to, conflicts of interest related to board members of, executives of, and experts retained by, the nonprofit hospital, purchaser, or other parties to the acquisition;

(5) Whether any management contract under the acquisition is for reasonable fair value;

(6) Whether the acquisition proceeds will be used for appropriate charitable health care purposes consistent with the nonprofit hospital's original purpose or for the support and promotion of health care, and whether the proceeds will be controlled as charitable funds independently of the purchaser or parties to the acquisition; and

(7) Any other criteria the Attorney General establishes by regulation to determine whether the proposed acquisition is in the public interest.

d. In determining whether an acquisition by any person or entity other than a corporation organized in this State for charitable purposes under Title 15A of the New Jersey Statutes meets the criteria of subsection b. of this section, the Attorney General shall consider, in addition to the criteria set forth in subsection c., the following criteria:

(1) Whether the nonprofit hospital will receive full and fair market value for its assets. The Attorney General may employ, at the nonprofit hospital's expense, reasonably necessary expert assistance in making this determination;

(2) Whether charitable funds are placed at unreasonable risk, if the acquisition is financed in part by the nonprofit hospital;

(3) Whether a right of first refusal has been retained to repurchase the assets by a successor nonprofit corporation or foundation if, following the acquisition, the hospital is subsequently sold to, acquired by, or merged with another entity;

(4) Whether the nonprofit hospital established appropriate criteria in deciding to pursue a conversion in relation to carrying out its mission and purposes;

(5) Whether the nonprofit hospital considered the proposed conversion as the only alternative or as the best alternative in carrying out its mission and purposes;

(6) Whether the nonprofit hospital exercised due care in assigning a value to the existing hospital and its charitable assets in proceeding to negotiate the proposed conversion;

(7) Whether officers, directors, board members, or senior management will receive future contracts in existing, new, or affiliated hospitals or foundations; and

(8) Any other criteria the Attorney General establishes by regulation to determine whether a proposed acquisition by any person or entity other than a corporation organized in this State for charitable purposes under Title 15A of the New Jersey Statutes is in the public interest.

e. In the Attorney General's review of the proposed acquisition, the Attorney General may assess the entity proposing to acquire the nonprofit hospital for reasonable costs related to the review, as determined by the Attorney General to be necessary. Reasonable costs may include expert review of the acquisition and a process for educating the public about the acquisition and obtaining public input.

f. The Attorney General and the Commissioner of Health shall, during the course of the review pursuant to this section, hold at least one public hearing in which any person may file written comments and exhibits or appear and make a statement. The public hearing may, if the Attorney General and commissioner so agree, be conducted jointly. The commissioner may satisfy the requirements of this subsection by conducting a public hearing in conjunction with the certificate of need review process pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.). The Attorney General or the commissioner may subpoena additional information or witnesses, including, but not limited to, information about any transaction that is collateral to the proposed acquisition and any related documents, require and administer oaths, require sworn statements, take depositions, and use related discovery procedures for purposes of the hearing and at any time prior to completing the review of the proposed acquisition.

The Attorney General shall make the information received pursuant to this section, and the Department of Health shall make any information in its records relating to the proposed acquisition, available for inspection at no cost to the public.

The public hearing shall be held no later than 60 days after the date that an application from a nonprofit hospital is deemed complete by the Attorney General. Public notice of the hearing shall be provided at least two weeks in advance of the date of the hearing.

g. In a proposed acquisition subject to review under subsection d. of this section, the Attorney General, after consultation with the principal parties to the transaction, shall make a determination as to the amount of assets which the nonprofit hospital shall set aside as a charitable obligation, based on the full and fair market value of the hospital at the time of the proposed acquisition as determined by the Attorney General.

h. Upon execution of a proposed acquisition subject to review under subsection d. of this section, the amount determined by the Attorney General to be set aside as a charitable obligation shall be placed in a nonprofit charitable trust or one or more existing or newly established tax-exempt charitable organizations operating pursuant to 26 U.S.C. s. 501(c)(3). The charitable mission and grant-making functions of any charitable entity that receives assets pursuant to subsection g. of this section shall be dedicated to serving the health care needs of the community historically served by the predecessor nonprofit hospital. Any charitable entity that receives assets pursuant to subsection g. of this section, the directors, officers, and trustees of any such charitable entity, and the assets of any such charitable entity, including any stock involved in the acquisition, shall be independent of any influence or control by the acquiring entity, its directors, officers, trustees, subsidiaries, or affiliates.

(1) The governance of the charitable trust that results from the acquisition or of any newly established charitable organization that is to receive charitable assets pursuant to subsection g. of this section shall be subject to review and approval by the Attorney General. The governance of any existing charitable organization that is to receive charitable assets pursuant to subsection g. of this section shall be subject to review by the Attorney General. The governance of the charitable trust or the charitable organization shall be broadly based, and neither the trust or organization nor any officer, director, or senior manager of the trust or organization shall be affiliated with the acquiring entity and no officer, director, or senior manager of the trust or organization shall be a full-time employee of State government. No officer, director, or senior manager of the trust or organization shall have been a director, officer, agent, trustee, or employee of the nonprofit hospital during the three years immediately preceding the effective date of the acquisition, unless that person can demonstrate to the satisfaction of the Attorney General that the person's assumption of the position of officer, direc-

tor, or senior manager of the trust or organization would not constitute a breach of fiduciary duty or other conflict of interest.

(2) The governing body of the charitable trust or organization shall establish or demonstrate that it has in place, as the case may be, a mechanism to avoid conflicts of interest and to prohibit grants that benefit the board of directors and management of the acquiring entity or its affiliates or subsidiaries.

(3) The governing body of the charitable trust or organization shall provide the Attorney General with an annual report which shall include an audited financial statement and a detailed description of its grant-making and other charitable activities related to its use of the charitable assets received pursuant to P.L.2000, c.143 (C.26:2H-7.10 et seq.). The annual report shall be made available to the public at both the Attorney General's office and the office of the charitable trust or organization. Nothing contained in P.L.2000, c.143 (C.26:2H-7.10 et seq.) shall affect the obligations of an entity possessing endowment funds under P.L.1975, c.26 (C.15:18-15 et seq.).

(4) Upon notice to, and upon the recommendation of, the Attorney General, in the case of a nonprofit hospital previously acquired at any time after November 2, 2000 by any person or entity other than a corporation organized in this State for charitable purposes under Title 15A of the New Jersey Statutes in accordance with P.L.2000, c.143 (C.26:2H-7.10 et seq.), which is subsequently acquired by a charitable entity that operates a nonprofit hospital that in purpose, form and function is equivalent to the previously acquired nonprofit hospital and serves the same population served by the previously acquired nonprofit hospital, any remaining charitable assets that were placed in a nonprofit charitable entity pursuant to subsection h. of this section shall be subject to review by the Superior Court to determine whether allocating such assets to the nonprofit charitable entity acquiring the previously acquired nonprofit hospital would be more consistent with the previously acquired nonprofit hospital's original purpose.

For purposes of this subsection, "remaining charitable assets" means charitable assets that were placed in a nonprofit charitable entity pursuant to this subsection that:

remain in the possession of the charitable entity and have not been disbursed by that entity and already used for the purpose of serving the health care needs of the community historically served by the predecessor nonprofit hospital; or

have at any time before, on or after the effective date of P.L.2014, c.82 been transferred by the nonprofit charitable entity to a donor-advised fund,

or to any other entity, to use as recommended or as required by the nonprofit charitable entity, and have not been disbursed by that fund or entity and already used for the purpose of serving the health care needs of the community historically served by the predecessor nonprofit hospital.

i. (1) The entity acquiring the nonprofit hospital, if determined to be necessary by the Commissioner of Health, shall provide funds, in an amount determined by the Commissioner of Health, for the hiring by the Department of Health of an independent health care access monitor to monitor and report quarterly to the Department of Health on community health care access by the entity, including levels of uncompensated care for indigent persons provided by the entity. The funding shall be provided for three years after the date of the acquisition. The entity acquiring the hospital shall provide the monitor with appropriate access to the entity's records in order to enable the monitor to fulfill this function.

To prevent the duplication of any information already reported by the entity, the monitor shall, to the extent possible, utilize data already provided by the entity to the Department of Health.

No personal identifiers shall be attached to any of the records obtained by the monitor, and all such records shall be subject to the privacy and confidentiality provisions of medical records provided by law.

(2) Following the monitoring period, or in the event that no monitoring period is established, if the Commissioner of Health receives information indicating that the acquiring entity is not fulfilling its commitment to the affected service area pursuant to P.L.2000, c.143 (C.26:2H-7.10 et seq.) and determines that the information is true, the commissioner shall order the acquiring entity to comply with a corrective action plan. The commissioner shall retain oversight of the acquiring entity's obligations under the corrective action plan for as long as necessary to ensure compliance with P.L.2000, c.143 (C.26:2H-7.10 et seq.).

j. The trustees and senior managers of the nonprofit hospital are prohibited from investing in the acquiring entity for a period of three years following the acquisition.

k. No director, officer, agent, trustee, or employee of the nonprofit hospital shall benefit directly or indirectly from the acquisition, including the receipt of any compensation directly related to the proposed acquisition.

l. Upon completion by the Attorney General of the review of the application required by P.L.2000, c.143 (C.26:2H-7.10 et seq.), the nonprofit hospital shall apply to the Superior Court for approval of the proposed acquisition. In that proceeding, the Attorney General shall advise the court as to whether the Attorney General supports or opposes the proposed acquisi-

tion, with or without any specific modifications, and the basis for that position. Any person who filed a written comment or exhibit or appeared and made a statement in the public hearing held by the Attorney General pursuant to subsection f. of this section shall be considered a party to the proceeding, including consumers or community groups representing the citizens of the State.

m. Notwithstanding the provisions of subsections a. and f. of this section to the contrary, in the event that the Attorney General or the Commissioner of Health determines that a proposed acquisition should be considered on an expedited basis in order to preserve the quality of health care provided to the community, the Attorney General and the commissioner may combine the public notice about the acquisition with the notice for a public hearing as required in subsections a. and f., respectively, and may reduce the period of time required for notice, as necessary. In considering a proposed acquisition on an expedited basis, the Attorney General and commissioner may agree to reduce the period of time for review of a completed application to less than 90 days.

n. The Attorney General, in consultation with the Commissioner of Health, shall adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of P.L.2000, c.143 (C.26:2H-7.10 et seq.).

2. This act shall take effect immediately.

Approved December 26, 2014.

CHAPTER 83

AN ACT concerning the voter registration and residency requirements applicable to circulators of petitions and amending various parts of the statutory law.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.19:13-7 is amended to read as follows:

Certification of petition.

19:13-7. Before any petition shall be filed as hereinafter provided, the person who circulates the petition, or a candidate who signs or circulates, or

both signs and circulates, such a petition, shall make oath by affidavit before a duly qualified officer that the petition is made in good faith, that the affiant personally circulated the petition and saw all the signatures made thereto and verily believes that the signers are duly qualified voters. The person who circulates the petition shall not be required to be a registered voter, but shall be voter eligible, which means at least 18 years of age, a resident of this State, a citizen of the United States, and not otherwise disqualified under the New Jersey Constitution.

2. R.S.19:23-11 is amended to read as follows:

Verification of petition.

19:23-11. Such petitions shall be verified by the oath or affirmation by affidavit of the person who circulates each petition, including a candidate who signs or circulates, or both signs and circulates, such a petition, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that the affiant personally circulated the petition; that the petition is signed by each of the signers thereof in his proper handwriting; that the signers are to the best knowledge and belief of the affiant legal voters of the State or political subdivision thereof, as the case may be, as stated in the petition, belong to the political party named in the petition; and that the petition is prepared and filed in absolute good faith for the sole purpose of indorsing the person or persons therein named, in order to secure his or their nomination or selection as stated in such petition. The person who circulates the petition shall be a registered voter in this State whose party affiliation is of the same political party named in the petition.

3. Section 3 of P.L.1995, c.105 (C.19:27A-3) is amended to read as follows:

C.19:27A-3 Definitions.

3. As used in this act:

"circulator" means an individual, whether paid or unpaid, who solicits signatures for a recall petition;

"elected official" means any person holding the office of United States Senator or member of the United States House of Representatives elected from this State, or any person holding a State or local government office which, under the State Constitution or by law, is filled by the registered voters of a jurisdiction at an election, including a person appointed, selected or otherwise designated to fill a vacancy in such office, but does not mean an official of a political party;

"jurisdiction" means the electoral jurisdiction, including but not limited to the State, or any county or municipality thereof, within which the voters reside who are qualified to vote for an elected official who is sought to be recalled;

"notice of intention" means the notice filed with the recall election official by a recall committee for the purpose of initiating a recall effort;

"recall committee" means a committee formed by persons sponsoring the recall of an elected official which represents the sponsors and signers of a recall petition in matters relating to the recall effort;

"recall election" means an election held for the purpose of allowing the voters of a jurisdiction to decide whether an elected official shall be recalled from office;

"recall election official" means the official authorized by law to receive nominating petitions for an elective office, except that with respect to the recall of the county clerk, it means the Secretary of State;

"recall petition" means a petition prepared by a recall committee and circulated as provided by this act for the purpose of gathering a sufficient number of valid signatures of registered voters to cause a recall election to be called; and

"sponsors" means the proponents of a recall effort who establish a recall committee.

4. Section 6 of P.L.1995, c.105 (C.19:27A-6) is amended to read as follows:

C.19:27A-6 Notice of intention; filing.

6. Prior to the collection of any signatures, the sponsors of a recall petition shall file a notice of intention with the appropriate recall election official. The notice of intention shall contain the following information:

a. the name and office of the elected official sought to be recalled;

b. the name and business or residence address of at least three sponsors of the recall petition who shall constitute a recall committee which shall represent the sponsors and signers of the recall petition in matters relating to the recall effort, provided that no recall committee shall sponsor the recall of more than one officeholder and, if a recall effort fails at the ballot, the sponsoring recall committee and the members thereof shall not again sponsor, nor shall the recall committee again finance, an effort to recall the targeted officeholder during the same term of office in which the failed recall effort was attempted;

c. the name of the recall committee, which shall be expressed in the following form: "COMMITTEE TO RECALL (name of the official sought to be recalled) FROM THE OFFICE OF (name of the office)";

d. a statement certified by each member of the recall committee that the member is registered to vote in the jurisdiction of the official sought to be recalled and that the member supports the recall of the named official and accepts the responsibilities associated with serving on the recall committee;

e. at the option of the recall committee, a statement, not in excess of 200 words, of the reasons for the recall; and

f. a statement as to whether the recall election shall be held at the next general election or regular election, as appropriate, or at a special election, as provided in section 13 of this act.

5. Section 8 of P.L.1995, c.105 (C.19:27A-8) is amended to read as follows:

C.19:27A-8 Format of recall petition; requirements.

8. a. No signature appearing on any document other than a recall petition prepared in accordance with the provisions of this section shall be counted among the signatures required under section 5 of this act to determine whether a recall election shall be held.

b. A recall petition shall be prepared by the recall committee in accordance with a format, consistent with the provisions of this act, which shall have been approved for such purpose by the Secretary of State. A petition may consist of any number of separate sections which shall be identical except with respect to information required to be entered thereon by the signers and circulators and as otherwise provided herein. The size of the paper used in a recall petition and the number of pages included in each section thereof shall be determined by the recall committee. The back and the front of a piece of paper shall each constitute a page and signatures may be affixed to each such page.

c. Each page of each section of a recall petition shall be sequentially numbered and shall include, printed in bold letters in at least 10-point type, the heading "PETITION FOR THE RECALL OF (name of the official sought to be recalled) FROM THE OFFICE OF (name of the office)" and, where appropriate, the information required by subsection e. of this section. The first page of each section also shall bear, in type of uniform size but not less than 8-point type, (1) the information contained in the notice of intention, including any cost estimate prepared and the statement of the reasons for the recall, if one was provided, or a declaration that no such statement of reasons

was provided, except that information on only three members of the recall committee need be listed; and (2) a copy of the answer provided by the official sought to be recalled, if one was provided, or a declaration that no such answer was provided, except that no such answer or declaration shall be included if a statement of the reasons for the recall was not provided.

d. Each page of a recall petition shall be arranged so that each signer of the petition shall personally affix the signer's signature; printed name and residence address, including street and number, or a designation of residence which is adequate to readily determine location; the municipality of residence; and the date on which the signer signed the petition. A space at least one inch wide shall be left blank after each name for use in verifying signatures when appropriate, as provided by this act. A box shall be provided after each name for the signer to indicate that the signer has had the opportunity to review the information on the first page of that section of the petition.

e. (1) Whenever the official sought to be recalled is the Governor or a United States Senator, separate sections of the petition shall be prepared for use by signers registered to vote in each county. Each page of a section shall bear in not less than 10-point type the name of the county in which that section is to be used and the statement, "Only eligible persons residing in _____ (name of county) County shall sign this page." A signer shall not affix the signer's signature to any page of any section unless it bears the name of the county in which the signer is registered to vote.

(2) Whenever the official sought to be recalled is a member of the Legislature or a member of the United States House of Representatives and the official's jurisdiction includes parts of more than one county, separate sections of the petition shall be prepared for use by signers registered to vote in each county included within the member's jurisdiction. Each page of a section shall bear in not less than 10-point type the name of the county in which that section is to be used and the statement, "Only eligible persons residing in (name of county) County shall sign this page." A signer shall not affix the signer's signature to any page of any section unless it bears the name of the county in which the signer is registered to vote.

(3) The signature of any person to a page of a recall petition bearing the name of a county in which the person is not registered to vote shall be invalid, but the invalidity of such a signature shall not invalidate or otherwise impair the section wherein or page whereon that signature appears, nor shall it invalidate or otherwise impair any other signature to that or any other section of the petition.

f. Prior to use, the sections of a recall petition shall be reviewed by the recall election official for compliance with the provisions of this act.

The recall election official shall complete the review of the petition within three business days of receipt. No section of a recall petition shall be used to solicit signatures unless it has been so approved and a statement of such approval, signed by the recall election official, has been printed on the first page of that section.

g. No obstruction shall be placed over any portion of a page of a petition section at the time that page is presented to a voter to be signed.

h. Every member of a recall committee circulating a recall petition shall sign the petition. If any member of the committee shall fail to sign the petition, the petition shall be deemed void. In the event that the signature to the petition of a member of the recall committee shall be deemed invalid, then notwithstanding the provisions of subsection e. of this section, the petition shall be deemed void. A circulator of a recall petition who is not a member of the recall committee shall not be required to sign, or to be qualified to sign, the recall petition in order to solicit signatures for the recall petition.

i. If a solicitation for signatures to a recall petition is presented to prospective petition signers by a paid print advertisement or paid mailing, or if a recall petition is presented to such a prospective signer by a paid circulator, the solicitation or petition, respectively, shall disclose prominently in a statement printed in at least 10-point type (1) the identity of the person paying for the printed or personal solicitation, and (2) that the circulator is paid. The Election Law Enforcement Commission shall promulgate such rules and regulations as are necessary to implement the provisions and effectuate the purposes of this subsection.

j. No person who is ineligible to sign a recall petition shall, with knowledge of that ineligibility, sign such a petition. No person shall offer to pay or pay another to sign or to refrain from signing a recall petition or to vote or to refrain from voting in a recall election. A person who violates any of the foregoing provisions of this subsection is guilty of a crime of the fourth degree.

6. Section 9 of P.L.1995, c.105 (C.19:27A-9) is amended to read as follows:

C.19:27A-9 Circulator of recall petition.

9. a. A circulator of a recall petition shall not be required to be a registered voter, but shall be voter eligible, which means at least 18 years of age, a resident of this State, a citizen of the United States, and not otherwise disqualified under the New Jersey Constitution.

b. Each completed page of any section of a recall petition which is filed with the recall election official shall include at the bottom of that page an affidavit signed by the circulator of that section which sets forth the following:

(1) the printed name of the circulator;

(2) the address of the circulator;

(3) a statement that the circulator assumed responsibility for circulating that section, that the circulator witnessed the signing of that page by each person whose signature appears thereon, that, to the best information and belief of the circulator, the signers are legal residents of the State and of the county in which the section was circulated, and that the section was circulated in absolute good faith for the purpose of causing the recall of the elected official named in the petition;

(4) the dates between which all signatures to that page were collected; and

(5) a statement, signed by the circulator, as to the truth and correctness of the aforesaid information.

7. This act shall take effect immediately.

Approved December 26, 2014.

CHAPTER 84

AN ACT concerning the extension of certain permits and approvals affecting the physical development of property located within the State of New Jersey and amending P.L.2008, c.78.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.2008, c.78 (C.40:55D-136.2) is amended to read as follows:

C.40:55D-136.2 Findings, declarations relative to extension of certain permits and approvals.

2. The Legislature finds and declares that:

a. The most recent national recession has caused one of the longest economic downturns since the Great Depression of the 1930s and has drastically affected various segments of the New Jersey economy, but none as severely as the State's banking, real estate and construction sectors.

b. The real estate finance sector of the economy is in severe decline due to the sub-prime mortgage problem and the resultant widening mortgage finance crisis. The extreme tightening of lending standards for home buyers and other real estate borrowers has reduced access to the capital markets.

c. As a result of the crisis in the real estate finance sector of the economy, real estate developers and redevelopers, including homebuilders, and commercial, office, and industrial developers, have experienced an industry-wide decline, including reduced demand, cancelled orders, declining sales and rentals, price reductions, increased inventory, fewer buyers who qualify to purchase homes, layoffs, and scaled back growth plans.

d. The process of obtaining planning board and zoning board of adjustment approvals for subdivisions, site plans, and variances can be difficult, time consuming and expensive, both for private applicants and government bodies.

e. The process of obtaining the myriad other government approvals, required pursuant to legislative enactments and their implementing rules and regulations, such as wetlands permits, treatment works approvals, on-site wastewater disposal permits, stream encroachment permits, flood hazard area permits, highway access permits, and numerous waivers and variances, also can be difficult and expensive; further, changes in the law can render these approvals, if expired or lapsed, impossible to renew or re-obtain.

f. County and municipal governments obtain determinations of master plan consistency, conformance, or endorsement with State or regional plans, from State and regional government entities which may expire or lapse without implementation due to the state of the economy.

g. The most recent national recession has severely weakened the building industry, and many landowners and developers are seeing their life's work destroyed by the lack of credit and dearth of buyers and tenants, due to the crisis in real estate financing and the building industry, uncertainty over the state of the economy, and increasing levels of unemployment in the construction industry.

h. The construction industry and related trades are sustaining severe economic losses, and the lapsing of government development approvals would, if not addressed, exacerbate those losses.

i. Financial institutions that lent money to property owners, builders, and developers are experiencing erosion of collateral and depreciation of their assets as permits and approvals expire, and the extension of these permits and approvals is necessary to maintain the value of the collateral and the solvency of financial institutions throughout the State.

j. Due to the current inability of builders and their purchasers to obtain financing, under existing economic conditions, more and more once-approved

permits are expiring or lapsing and, as these approvals lapse, lenders must re-appraise and thereafter substantially lower real estate valuations established in conjunction with approved projects, thereby requiring the reclassification of numerous loans which, in turn, affects the stability of the banking system and reduces the funds available for future lending, thus creating more severe restrictions on credit and leading to a vicious cycle of default.

k. As a result of the continued downturn of the economy, and the continued expiration of approvals which were granted by State and local governments, it is possible that thousands of government actions will be undone by the passage of time.

l. Obtaining an extension of an approval pursuant to existing statutory or regulatory provisions can be both costly in terms of time and financial resources, and insufficient to cope with the extent of the present financial situation; moreover, the costs imposed fall on the public as well as the private sector.

m. It is the purpose of this act to prevent the wholesale abandonment of approved projects and activities due to the present unfavorable economic conditions, by tolling the term of these approvals for a period of time, thereby preventing a waste of public and private resources.

2. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to read as follows:

C.40:55D-136.3 Definitions relative to extension of certain permits and approvals.

3. As used in P.L.2008, c.78 (C.40:55D-136.1 et seq.):

"Approval" means, except as otherwise provided in section 4 of P.L.2008, c.78 (C.40:55D-136.4), any approval of a soil erosion and sediment control plan granted by a local soil conservation district under the authority conferred by R.S.4:24-22 et seq., waterfront development permit issued pursuant to R.S.12:5-1 et seq., permit issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.), permit issued pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.), approval of an application for development granted by the Delaware and Raritan Canal Commission pursuant to the "Delaware and Raritan Canal State Park Law of 1974," P.L.1974, c.118 (C.13:13A-1 et seq.), permit issued by the New Jersey Meadowlands Commission pursuant to the "Hackensack Meadowlands Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et al.), approval of an application for development granted by the Pinelands Commission and determination of municipal and county plan conformance pursuant to the "Pinelands Protection Act,"

P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center designations pursuant to the "Coastal Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), septic approval granted pursuant to Title 26 of the Revised Statutes, permit granted pursuant to R.S.27:7-1 et seq. or any supplement thereto, right-of-way permit issued by the Department of Transportation pursuant to paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5), approval granted by a sewerage authority pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), approval granted by a municipal authority pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), an agreement with a municipality, county, municipal authority, sewerage authority, or other governmental authority for the use or reservation of sewerage capacity, approval issued by a county planning board pursuant to chapter 27 of Title 40 of the Revised Statutes, preliminary and final approval granted in connection with an application for development pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.), permit granted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement and center designations pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification issued pursuant to the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et al.), permit granted authorizing the drilling of a well pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification or permit granted, exemption from a sewerage connection ban granted, wastewater management plan approved, and pollution discharge elimination system permit pursuant to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted pursuant to "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), certification or approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.), certification issued and water quality management plan approved pursuant to the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit issued pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or State approval or permit granted under the general authority conferred by State law or rule or regulation, or any other government authorization of any development application or any permit related thereto whether that authorization is in the form of a permit, approval, license, certification, permission, determination, interpretation, exemption, variance, exception, waiver, letter of interpretation, no further

action letter, agreement or any other executive or administrative decision which allows a development or governmental project to proceed.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or facility, or of any grading, soil removal or relocation, excavation or landfill or any use or change in the use of any building or other structure or land or extension of the use of land.

"Environmentally sensitive area" means an area designated pursuant to the State Development and Redevelopment Plan adopted, as of the effective date of P.L.2008, c.78, pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as Planning Area 4B (Rural/Environmentally Sensitive), Planning Area 5 (Environmentally Sensitive), or a critical environmental site, but shall not include any extension area as defined in this section.

"Extension area" means an area designated pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning Area), Planning Area 4A (Rural Planning Area), a designated center, or a designated growth center in an endorsed plan until June 30, 2013, or until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to refine this definition as it pertains to Statewide planning areas, whichever is later; a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6); regional growth areas, villages, and towns, designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to section 7 of the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); the planning area of the Highlands Region as defined in section 3 of the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-3), and any Highlands center designated by the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4); an urban enterprise zone designated pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.) or P.L.2001, c.347 (C.52:27H-66.2 et al.); an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) and as approved by the Department of Community Affairs; or similar areas designated by the Department of Environmental Protection. "Extension area" shall not include an area designated pursuant to the State Development and Redevelopment Plan adopted, as of the effective date of P.L.2008, c.78, pursuant to P.L.1985, c.398 as Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensi-

tive), except for any area within Planning Area 4B or Planning Area 5 that is a designated center, or a designated growth center in an endorsed plan.

"Extension period" means the period beginning January 1, 2007 and continuing through December 31, 2015.

"Government" means any municipal, county, regional, or State government, or any agency, department, commission or other instrumentality thereof.

3. This act shall take effect immediately.

Approved December 26, 2014.

CHAPTER 85

AN ACT concerning tobacco sales, amending P.L.1999, c.148 and amending and supplementing P.L.2003, c.25.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1999, c.148 (C.52:4D-2) is amended to read as follows:

C.52:4D-2 Definitions relative to tobacco product manufacturers.

2. As used in this act:

"Adjusted for inflation" means increased in accordance with the formula for inflation adjustment set forth in Exhibit C to the Master Settlement Agreement.

"Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the term "owns," "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of 10% or more, and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons.

"Allocable share" means allocable share as that term is defined in the Master Settlement Agreement.

"Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains:

(1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or

(3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (1) of this definition.

The term "cigarette" includes "roll-your-own," which means any tobacco that, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

"Master Settlement Agreement" means the settlement agreement, and related documents, entered into on November 23, 1998 by the State and leading United States tobacco product manufacturers.

"Qualified escrow fund" means an escrow arrangement with a federally or State chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least $1,000,000,000 where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing or directing the use of the funds' principal except as consistent with paragraph (2) of subsection b. of section 3 of this act.

"Released claims" means released claims as that term is defined in the Master Settlement Agreement.

"Releasing parties" means releasing parties as that term is defined in the Master Settlement Agreement.

"Tobacco Product Manufacturer" means an entity that after the date of enactment of this act directly, and not exclusively through any affiliate:

(1) manufactures anywhere cigarettes that the manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer; provided, however, that an entity that manufactures cigarettes that it intends to be sold in the United States shall not be considered to be a tobacco product manufacturer under this paragraph (1) if (a) such cigarettes are sold in the United States exclusively through an importer that is an original participating manufacturer, as that term is defined in the Master Settlement Agreement, that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Set-

tlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement, and (b) the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States;

(2) is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or

(3) becomes a successor of an entity described in paragraph (1) or (2) of this definition.

The term "tobacco product manufacturer" shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within any of paragraphs (1) through (3) of this definition.

"Units sold" means the number of individual cigarettes on which the State has the authority under federal law to impose excise or similar taxes, regardless of whether such taxes were imposed or collected by the State, that were sold in the State by the applicable tobacco product manufacturer, whether directly or through a distributor, retailer or similar intermediary or intermediaries, during the year in question. The State Treasurer shall promulgate such regulations as are necessary to ascertain the amount of State excise tax paid on the cigarettes of, and number of units sold by, such tobacco product manufacturer for each year.

2. Section 6 of P.L.2003, c.25 (C.52:4D-9) is amended to read as follows:

C.52:4D-9 Registered agent necessary for listing of non-resident, non-participating manufacturer; responsibility for escrow deposit.

6. a. Any non-resident or foreign non-participating manufacturer that has not registered to do business in this State as a foreign corporation or business entity shall, as a condition precedent to having its brand families listed or retained in the directory established pursuant to section 4 of this act, appoint and continually engage without interruption the services of an agent in New Jersey to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of the act and P.L.1999, c.148 (C.52:4D-1 et seq.), may be served in any manner authorized by law. Such service shall constitute legal and valid service of process on the non-participating manufacturer. The non-participating manufacturer shall provide the name, address, telephone number and proof of the appointment and availability of such agent to the Attorney General.

b. A non-participating manufacturer shall provide notice to the director and Attorney General not later than 30 calendar days prior to termina-

tion of the authority of an agent and shall further provide proof to the satisfaction of the Attorney General of the appointment of a new agent no less than five calendar days prior to the termination of an existing agent appointment. If an agent terminates an agency appointment, the non-participating manufacturer shall notify the director and Attorney General of that termination within five calendar days and shall include proof to the satisfaction of the Attorney General of the appointment of a new agent.

c. A non-participating manufacturer whose products are sold in this State, without appointing or designating an agent as herein required shall be deemed to have appointed the Secretary of State as that agent and may be proceeded against in the courts of this State by service of process upon the Secretary of State; provided however, that the appointment of the Secretary of State as that agent shall not satisfy the condition precedent to having its brand families listed or retained in the directory established pursuant to section 4 of P.L.2003, c.25 (C.52:4D-4 et seq.).

d. Any person who imports cigarettes of a foreign non-participating manufacturer for sale in this State, whether directly or through a distributor, retailer, or similar intermediary or intermediaries, shall be jointly and severally responsible for any escrow deposit required by section 3 of P.L.1999, c.148 (C.52:4D-3), to the extent that the non-participating manufacturer failed to deposit the required escrow amount. Such person shall also be subject to the provisions of subsections a. and c. of section 8 of P.L.2003, c.25 (C.52:4D-11).

3. Section 7 of P.L.2003, c.25 (C.52:4D-10) is amended to read as follows:

C.52:4D-10 Submission of information.

7. a. Within 20 days after the end of each calendar quarter, and more frequently if so directed by the director, each licensed distributor and each holder of a certificate of authority pursuant to section 6 of P.L.1990, c.39 (C.54:40B-6) shall submit such information as the director requires to facilitate compliance with this section, including, but not limited to, a list by brand family of the total number of cigarettes or in the case of roll your own, the equivalent stick count, for which the licensed distributor affixed stamps or impressed or attached metered impressions or for which the holder of the certificate of authority otherwise paid the tax due for such cigarettes during the previous calendar quarter. Each licensed distributor and holder of a certificate of authority shall, for a period of five years, maintain, and make available to the director and the Attorney General, all invoices and documentation of sales of all cigarettes sold by the licensed

distributor or holder of a certificate of authority that were manufactured by a non-participating manufacturer and any other information relied upon in reporting to the director.

b. The director is authorized to disclose to the Attorney General any information received under P.L.2003, c.25 (C.52:4D-4 et seq.) or requested by the Attorney General for purposes of determining compliance with and enforcing the provisions of P.L.2003, c.25 (C.52:4D-4 et seq.). The director and Attorney General shall share with each other the information received under P.L.2003, c.25 (C.52:4D-4 et seq.), and may share such information with other federal, State or local agencies only for purposes of enforcement of P.L.2003, c.25 (C.52:4D-4 et seq.), P.L.1999, c.148 (C.52:4D-1 et seq.), or the corresponding laws of other states, and with the data clearinghouse or similar entity established pursuant to the settlement with respect to the non-participating manufacturer adjustment, as such adjustment is described in the provisions of section IX(d) of the Master Settlement Agreement.

c. The Attorney General may require at any time that a non-participating manufacturer provide from the financial institution in which the manufacturer has established a qualified escrow fund for the purpose of compliance with P.L.1999, c.148 (C.52:4D-1 et seq.), proof of the amount of money in the fund being held on behalf of the State and the dates of deposits, and listing the amounts of all withdrawals from the fund and the dates thereof.

d. In addition to the information required to be submitted pursuant to this section, the director or Attorney General may require a stamping agent, licensed distributor, holder of a certificate of authority pursuant to section 6 of P.L.1990, c.39 (C.54:40B-6), or tobacco product manufacturer to submit any additional information including, but not limited to, samples of the packaging or labeling of each brand family, as is necessary to enable the Attorney General to determine whether a tobacco product manufacturer is in compliance with this act.

e. To promote compliance with the provisions of P.L.2003, c.25 (C.52:4D-4 et seq.), the Attorney General may promulgate regulations requiring a tobacco product manufacturer subject to the requirements of paragraph (2) of subsection a. of section 3 of P.L.2003, c.25 (C.52:4D-4 et seq.) to make the escrow deposits required in more frequent installments during the year in which the sales covered by the deposits are made. The Attorney General may require production of information sufficient to enable the Attorney General to determine the adequacy of the amount of the installment deposit.

4. Section 8 of P.L.2003, c.25 (C.52:4D-11) is amended to read as follows:

C.52:4D-11 Additional penalties.

8. a. In addition to or in lieu of any other civil or criminal remedy provided by law, upon a determination that any person has violated section 5 of P.L.2014, c.85 (C.52:4D-7.1) or section 5 of P.L.2003, c.25 (C.52:4D-8) or subsection d. of section 6 of P.L.2003, c.25 (C.52:4D-9) or any regulation adopted pursuant thereto, the director may revoke or suspend the license of any person pursuant to section 203 of P.L.1948, c.65 (C.54:40A-5) or revoke or suspend the holder's certificate of authority pursuant to procedures applicable to the suspension of a license set forth in section 203 of P.L.1948, c.65 (C.54:40A-5). Each stamp or metered impression affixed and each offer to sell cigarettes in violation of section 5 of P.L.2003, c.25 (C.52:4D-8) shall constitute a separate violation. For each violation hereof, the director may also impose a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes sold or $5,000 upon a determination of violation of section 5 of P.L.2003, c.25 (C.52:4D-8) or any regulations adopted pursuant thereto.

b. Any cigarettes that have been sold, offered for sale or possessed for sale in this State in violation of section 5 of P.L.2003, c.25 (C.52:4D-8) shall be deemed contraband, without regard to whether the violation was knowing under section 607 of P.L.1948, c. 65 (C.54:40A-30), and those cigarettes shall be subject to seizure and forfeiture as provided in section 607, and all cigarettes so seized and forfeited shall be destroyed and not resold.

c. The Attorney General, on behalf of the director, may seek an injunction to restrain a threatened or actual violation of: section 5 of P.L.2014, c.85 (C.52:4D-7.1); section 5 of P.L.2003, c.25 (C.52:4D-8); or subsection d. of section 6 of P.L.2003, c.25 (C.52:4D-9); or subsection a. or subsection b. of section 7 of P.L.2003, c.25 (C.52:4D-10) by a licensed distributor or a holder of a certificate of authority pursuant to section 6 of P.L.1990, c.39 (C.54:40B-6) and to compel the licensed distributor or holder of a certificate of authority to comply with the requirements provided therein. In any action brought pursuant to this section, the State shall be entitled to recover the costs of investigation, costs of the action and reasonable attorney fees.

d. It shall be unlawful for any person to sell or distribute cigarettes or acquire, hold, own, possess, transport, import, or cause to be imported cigarettes that the person knows or should know are intended for distribution or sale in the State in violation of section 5 of P.L.2003, c.25 (C.52:4D-8). A violation of this subsection shall be a crime of the third degree.

C.52:4D-7.1 Requirements for listing in directory of manufacturers.

5. A non-participating manufacturer shall not be listed in the directory of manufacturers established pursuant to section 4 of P.L.2003, c.25 (C.52:4D-7) unless and until it posts a bond for the benefit of the State in the manner described herein:

a. The bond shall be posted by corporate surety located within the United States in an amount equaling the greatest required escrow due from the non-participating manufacturer or its predecessor for any of the four preceding calendar years or $25,000, whichever amount is higher;

b. The bond shall be conditioned on the performance by the non-participating manufacturer of all its duties and obligations imposed by section 3 of P.L.1999, c.148 (C.52:4D-3), section 3 of P.L.2003, c.25 (C.52:4D-6), section 5 of P.L.2003, c.25 (C.52:4D-8) and section 6 of P.L.2003, c.25 (C.52:4D-9);

c. If a non-participating manufacturer that posted a bond has failed to make or have made on its behalf deposits equal to the full amount of escrow owed for a given year, within fifteen days following the due date for the deposit the State may execute upon the bond to recover any amount the non-participating manufacturer failed to deposit into escrow, as well as civil penalties, the costs of investigation, costs of the action and reasonable attorneys' fees pursuant to subsections a. and c. of section 8 of P.L.2003, c.25 (C.52:4D-11); and

d. Beginning on April 30, 2015, the bond shall be posted or updated by the end of each quarter of each calendar year as a condition to the inclusion of a non-participating manufacturer and its brand families in the directory of manufacturers, and proof of the sufficiency of such bond shall be submitted quarterly.

6. This act shall take effect on January 1, 2015.

Approved December 26, 2014.

CHAPTER 86

AN ACT designating the State Highway Route No. 35 bridge between Brielle and Point Pleasant Beach as the "Veterans of All Wars Memorial Bridge."

WHEREAS, Members of the United States military have protected the citizens of this country from enemies both foreign and domestic since the creation of the Continental Army in 1775; and

WHEREAS, The service and sacrifice of the members of the armed forces who selflessly protect our nation are responsible for the freedom, peace, and security that the citizens of the United States enjoy today; and

WHEREAS, Currently, more than 7,000 active duty military personnel and approximately 425,000 military veterans call the State of New Jersey home; and

WHEREAS, It is fitting and proper to honor the service of those who protect our country and sacrifice their lives to safeguard our freedom by designating the State Highway Route No. 35 bridge between the Borough of Brielle and the Borough of Point Pleasant Beach as the "Veterans of All Wars Memorial Bridge"; now, therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Commissioner of Transportation shall designate the State Highway Route No. 35 bridge between the Borough of Brielle and the Borough of Point Pleasant Beach as the "Veterans of All Wars Memorial Bridge" and erect appropriate signs bearing this name.

2. No State or other public funds shall be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with such private sources, including, but not limited to, nongovernmental non-profit, educational, or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved January 6, 2015.

CHAPTER 87

AN ACT concerning veteran death certificates and amending R.S.26:8-63.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. R.S.26:8-63 is amended to read as follows:

Free certified copies.

26:8-63. The State registrar shall:

a. Furnish a certification or certified copy of a birth, marriage, civil union, domestic partnership, fetal death or death certificate without fee in the prosecution of any claim for public pension or for military or naval enlistment purposes; and

b. Furnish the United States Public Health Service without expense to the State, microfilm or photocopy images of birth, marriage, civil union, domestic partnership, fetal death and death certificates without payment of the fees prescribed in this article; and

c. Furnish a certified transcript of any entry in the records of the New Jersey State census without fee for certification in the prosecution of any claim for public pension, for military or naval enlistment purposes; and

d. Furnish without fee upon request for administrative use by any city, State or federal agency a certified transcript of any New Jersey State census entry, or a certification or certified copy of a birth, death, fetal death, marriage, civil union or domestic partnership certificate; and

e. Furnish without fee upon request a certified copy of a veteran's death certificate to the veteran's legal representative, the executor or administrator of the veteran's estate, or to a family member authorized to obtain a copy of the death certificate pursuant to subsection a. of R.S.26:8-62. No more than one copy of a veteran's death certificate may be provided without fee pursuant to this subsection; all other copies of the death certificate shall be subject to the statutory fee.

As used in this subsection, "fee" includes, but is not limited to, any search, certification, processing, authentication, standard shipping, or other fees that would ordinarily be assessed to furnish a certified copy of a death certificate.

2. This act shall take effect immediately.

Approved January 6, 2015.

CHAPTER 88

AN ACT concerning the security of certain personal information and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.56:8-196 Definitions relative to the security of certain personal information.

1. As used in this act:

"Computer" means an electronic, magnetic, optical, electrochemical or other high speed data processing device or another similar device capable of executing a computer program, including arithmetic, logic, memory, data storage or input-output operations and includes any computer equipment connected to such a device, computer system, or computer network.

"Computer equipment" means any equipment or device, including all input, output, processing, storage, software, or communications facilities, intended to interface with a computer.

"Computer network" means the interconnection of communication lines, including microwave or other means of electronic communication, with a computer through remote terminals, or a complex consisting of two or more interconnected computers.

"Computer program" means a series of instructions or statements executable on a computer, which directs the computer system in a manner to produce a desired result.

"Computer software" means a set of computer programs, data, procedures, and associated documentation concerning the operation of a computer system.

"Computer system" means a set of interconnected computer equipment intended to operate as a cohesive system.

"Computerized record" means any record, recorded or preserved on any computer, computer equipment, computer network, computer program, computer software, or computer system.

"End user computer system" means any computer system that is designed to allow end users to access computerized information, computer software, computer programs, or computer networks. End user computer system includes, but is not limited to, desktop computers, laptop computers, tablets or other mobile devices, or removable media.

"Health benefits plan" means a benefits plan which pays or provides hospital and medical expense benefits for covered services, and is delivered or issued for delivery in this State by or through a carrier. Health benefits plan includes, but is not limited to, Medicare supplement coverage and risk contracts to the extent not otherwise prohibited by federal law. For the purposes of this act, health benefits plan shall not include the following plans, policies, or contracts: accident only, credit, disability, long-term care, TRICARE supplement coverage, coverage arising out of a workers' compensation or similar law, automobile medical payment insurance, personal injury protection insurance issued pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.), or hospital confinement indemnity coverage.

"Health insurance carrier" means an insurance company, health service corporation, hospital service corporation, medical service corporation, or health maintenance organization authorized to issue health benefits plans in this State.

"Identifiable health information" means individually identifiable health information as defined in 45 C.F.R. s.160.103.

"Personal information" means an individual's first name or first initial and last name linked with any one or more of the following data elements: (1) Social Security number; (2) driver's license number or State identification card number; (3) address; or (4) identifiable health information. Dissociated data that, if linked, would constitute personal information is personal information if the means to link the dissociated data were accessed in connection with access to the dissociated data.

"Public network" means a network to which anyone, including the general public, has access and through which a person can connect to other networks or the Internet.

"Record" means any material, regardless of the physical form, on which information is recorded or preserved by any means, including written or spoken words, graphically depicted, printed, or electromagnetically transmitted. Record does not include publicly available directories containing information an individual has voluntarily consented to have publicly disseminated or listed.

C.56:8-197 Restrictions for health insurance carrier relative to certain computerized records.

2. a. A health insurance carrier shall not compile or maintain computerized records that include personal information, unless that information is secured by encryption or by any other method or technology rendering the information unreadable, undecipherable, or otherwise unusable by an unau-

thorized person. Compliance with this section shall require more than the use of a password protection computer program, if that program only prevents general unauthorized access to the personal information, but does not render the information itself unreadable, undecipherable, or otherwise unusable by an unauthorized person operating, altering, deleting, or bypassing the password protection computer program.

b. This section shall only apply to end user computer systems and computerized records transmitted across public networks.

C.56:8-198 Violation, unlawful practice.

3. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) to violate the provisions of this act.

4. This act shall take effect on the first day of the seventh month next following enactment.

Approved January 9, 2015.

CHAPTER 89

AN ACT exempting certain temporary farm structures from the permit and transition area requirements of the "Freshwater Wetlands Protection Act," and amending P.L.1987, c.156.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 4 of P.L.1987, c.156 (C.13:9B-4) is amended to read as follows:

C.13:9B-4 Exemptions from permit, transition area requirements.

4. The following are exempt from the requirement of a freshwater wetlands permit and transition area requirements unless the United States Environmental Protection Agency's regulations providing for the delegation to the state of the federal wetlands program conducted pursuant to the Federal Act require a permit for any of these activities, in which case the department shall require a permit for those activities so identified by that agency:

a. Normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of

food and fiber, or upland soil and water conservation practices; construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches; the installation of temporary farm structures with only a dirt or fabric floor, including hoophouses and polyhouses, and any grading or land contouring associated therewith on lands that were actively cultivated on or before July 1, 1988, have been in active agricultural use since then, were in active agricultural use at the time that the temporary farm structures were or are to be erected, and are identified as "ModAg" farmed wetlands on the Wetland Maps promulgated by the Department of Environmental Protection in 1988; construction or maintenance of farm roads or forest roads constructed and maintained in accordance with best management practices to assure that flow and circulation patterns and chemical and biological characteristics of freshwater wetlands are not impaired and that any adverse effect on the aquatic environment will be minimized;

b. Normal harvesting of forest products in accordance with a forest management plan approved by the State Forester;

c. Areas regulated as a coastal wetland pursuant to P.L.1970, c.272 (C.13:9A-1 et seq.);

d. Projects for which (1) preliminary site plan or subdivision applications have received preliminary approvals from the local authorities pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) prior to the effective date of this act, (2) preliminary site plan or subdivision applications have been submitted prior to June 8, 1987, or (3) permit applications have been approved by the U.S. Army Corps of Engineers prior to the effective date of this act, which projects would otherwise be subject to State regulation on or after the effective date of this act, shall be governed only by the Federal Act, and shall not be subject to any additional or inconsistent substantive requirements of this act; provided, however, that upon the expiration of a permit issued pursuant to the Federal Act any application for a renewal thereof shall be made to the appropriate regulatory agency. The department shall not require the establishment of a transition area as a condition of any renewal of a permit issued pursuant to the Federal Act prior to the effective date of this act. Projects not subject to the jurisdiction of the United States Army Corps of Engineers and for which preliminary site or subdivision applications have been approved prior to the effective date of this act shall not require transition areas;

e. The exemptions in subsections a. and b. of this section shall not apply to any discharge of dredged or fill material into a freshwater wetland incidental to any activity which involves bringing an area of freshwater

wetlands into a use to which it was not previously subject, where the flow or circulation patterns of the waters may be impaired, or the reach of the waters is reduced.

2. This act shall take effect immediately and shall also apply to all pending and completed enforcement actions brought by the Department of Environmental Protection.

Approved January 9, 2015.

CHAPTER 90

AN ACT concerning special Alpha Kappa Alpha license plates and supplementing chapter 3 of Title 39 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.39:3-27.146 Issuance of Alpha Kappa Alpha license plates; "Alpha Kappa Alpha License Plate Fund."

1. a. Upon proper application, the Chief Administrator of the New Jersey Motor Vehicle Commission shall issue Alpha Kappa Alpha license plates for any motor vehicle owned or leased and registered in the State. In addition to the registration number and other markings or identification otherwise prescribed by law, the license plate shall display appropriate words or a slogan and an emblem honoring the Alpha Kappa Alpha sorority. The chief administrator shall select the design, including an emblem and color scheme, in consultation with the North Atlantic Region Alpha Kappa Alpha Chapter. Alpha Kappa Alpha license plates shall be subject to the provisions of chapter 3 of Title 39 of the Revised Statutes, except as hereinafter otherwise specifically provided.

b. Application for issuance of an Alpha Kappa Alpha license plate shall be made to the chief administrator on forms and in a manner prescribed by the chief administrator. In order to be deemed complete, an application shall be accompanied by a fee of $50, payable to the New Jersey Motor Vehicle Commission, which shall be in addition to the fee otherwise prescribed by law for the registration of motor vehicles. The chief administrator shall collect annually, subsequent to the year of issuance of the Alpha Kappa Alpha license plate, a $10 fee for the license plate in addition to the

fees otherwise prescribed by law for the registration of a motor vehicle. The additional fees required by this subsection shall be deposited in the "Alpha Kappa Alpha License Plate Fund" created pursuant to subsection c. of this section.

c. There is created in the Department of the Treasury a special non-lapsing fund to be known as the "Alpha Kappa Alpha License Plate Fund." There shall be deposited in the fund the amount collected from all license plate fees collected pursuant to subsection b. of this section, less the amounts necessary to reimburse the commission for administrative costs pursuant to subsection d. of this section. Monies deposited in the fund shall be appropriated annually to the Alpha Kappa Alpha Educational Advancement Foundation, Inc. Monies deposited in the fund shall be held in interest-bearing accounts in public depositories as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on monies deposited in the fund, and any monies which may be appropriated or otherwise become available for the purposes of the fund, shall be credited to and deposited in the fund for use as set forth in P.L.2014, c.90 (C.39:3-27.146 et seq.).

d. Prior to the deposit of the additional fees collected pursuant to subsection b. of this section into the fund, amounts thereof as are necessary shall be used to reimburse the commission for all costs reasonably and actually incurred, as stipulated by the chief administrator, for:

(1) producing, issuing, renewing, and publicizing the availability of the Alpha Kappa Alpha license plates; and

(2) any computer programming changes that may be initially necessary to implement the Alpha Kappa Alpha license plate program established by P.L.2014, c.90 (C.39:3-27.146 et seq.), in an amount not to exceed $150,000.

The chief administrator shall annually certify to the State Treasurer the average cost per license plate incurred in the immediately preceding year by the commission in producing, issuing, renewing, and publicizing the availability of the Alpha Kappa Alpha license plates. The annual certification of the average cost per license plate shall be approved by the Joint Budget Oversight Committee, or its successor.

In the event that the average cost per license plate as certified by the chief administrator and approved by the Joint Budget Oversight Committee, or its successor, is greater than the $50 application fee established in subsection b. of this section in two consecutive fiscal years, the chief administrator may discontinue the issuance of Alpha Kappa Alpha license plates.

e. The chief administrator shall notify eligible motorists of the opportunity to obtain Alpha Kappa Alpha license plates by publicizing the availability of the license plates on the website of the commission. The North Atlantic Region Alpha Kappa Alpha Chapter, and any other individual or entity designated by the North Atlantic Region Alpha Kappa Alpha Chapter, may publicize the availability of Alpha Kappa Alpha license plates in any manner the North Atlantic Region Alpha Kappa Alpha Chapter deems appropriate.

f. The chief administrator and the Regional Director of the North Atlantic Region Alpha Kappa Alpha Chapter shall develop and enter into an interagency memorandum of agreement setting forth the procedures to be followed in carrying out their respective responsibilities under P.L.2014, c.90 (C.39:3-27.146 et seq.).

g. The North Atlantic Region Alpha Kappa Alpha Chapter shall appoint a representative who shall act as a liaison between the organization and the commission. The liaison shall represent the North Atlantic Region Alpha Kappa Alpha Chapter in any and all communications with the commission regarding the Alpha Kappa Alpha license plates established by P.L.2014, c.90 (C.39:3-27.146 et seq.).

C.39:3-27.147 Funds used.

2. a. No State or other public funds may be used by the commission for the initial cost of:

(1) producing, issuing, and publicizing the availability of Alpha Kappa Alpha license plates; or

(2) any computer programming changes which may be necessary to implement the Alpha Kappa Alpha license plate program established by P.L.2014, c.90 (C.39:3-27.146 et seq.).

b. The North Atlantic Region Alpha Kappa Alpha Chapter, or an individual or entity designated by the chapter, shall contribute monies in an amount to be determined by the chief administrator, not to exceed a total of $25,000, to be used to offset the initial costs incurred by the commission for producing, issuing, and publicizing the availability of Alpha Kappa Alpha license plates, and any computer programming which may be necessary to implement the program. To further help offset the initial costs incurred by the commission for the special license plates authorized by P.L.2014, c.90 (C.39:3-27.146 et seq.), other concerned organizations and individual donors may contribute monies to the North Atlantic Region Alpha Kappa Alpha Chapter, or an individual or entity designated by the chapter, for this purpose. Any amount remaining after the payment of the initial costs shall

be deposited in the "Alpha Kappa Alpha License Plate Fund" established pursuant to subsection c. of section 1 of P.L.2014, c.90 (C.39:3-27.146).

c. The commission shall not begin designing, producing, issuing, or publicizing the availability of Alpha Kappa Alpha license plates, or making any necessary programming changes, until the following requirements have been met:

(1) The North Atlantic Region Alpha Kappa Alpha Chapter or the individual or entity designated by the chapter, has provided the commission with the money necessary, as determined by the chief administrator pursuant to subsection b. of this section, to offset the initial costs incurred by the commission in establishing the Alpha Kappa Alpha license plate program; and

(2) The liaison appointed by the North Atlantic Region Alpha Kappa Alpha Chapter pursuant to subsection g. of section 1 of P.L.2014, c.90 (C.39:3-27.146) has provided the commission with not less than 500 completed applications for Alpha Kappa Alpha license plates. These applications shall constitute the initial order for Alpha Kappa Alpha license plates and shall be accompanied by a fee representing the total cost of the initial order. Such fee shall be determined by multiplying the number of sets of license plates being ordered by the applicable initial fee for each set of license plates as set forth in subsection b. of section 1 of P.L.2014, c.90 (C.39:3-27.146).

3. This act shall take effect immediately, but shall remain inoperable until the first day of the seventh month following the date on which the conditions set forth in paragraphs (1) and (2) of subsection c. of section 2 of P.L.2014, c.90 (C.39:3-27.147) have been satisfied. The chief administrator may take such anticipatory actions in advance of that date as may be necessary for the timely implementation of P.L.2014, c.90 (C.39:3-27.146 et seq.). P.L.2014, c.90 (C.39:3-27.146 et seq.) shall expire if the conditions set forth in paragraphs (1) and (2) of subsection c. of section 2 of P.L.2014, c.90 (C.39:3-27.147) are not satisfied by the last day of the 12th month following enactment.

Approved January 9, 2015.

JOINT RESOLUTIONS

New Jersey State Library

JOINT RESOLUTION NO. 1

A JOINT RESOLUTION designating March 30 of each year as "Doctors' Day" in New Jersey.

WHEREAS, National Doctors' Day is held March 30 each year to honor doctors for the care they provide and the contributions they have made to advance the field of medicine; and

WHEREAS, The first Doctors' Day was held March 30, 1933 in Winder, Georgia when Eudora Brown Almond, wife of Dr. Charles B. Almond, decided to set aside a day to honor physicians; and

WHEREAS, Eudora Brown selected March 30 to commemorate the work of Dr. Crawford W. Long, who first used ether anesthesia on March, 30, 1842 in Jefferson, Georgia to make surgery painless; and

WHEREAS, The first Doctors' Day was marked by the mailing of commemorative cards to the county's physicians and their wives, and by the laying of flowers on the graves of Dr. Crawford W. Long and other deceased doctors; and

WHEREAS, The red carnation is commonly used as the symbolic flower for National Doctors' Day, and signifies qualities of love, charity, sacrifice, and bravery; and

WHEREAS, On March 30, 1958, the United States House of Representatives adopted a resolution commemorating Doctors' Day; and

WHEREAS, On October 30, 1990, President George H. W. Bush signed a Joint Resolution, Pub.L.101-473, designating March 30, 1991 as "National Doctors' Day" in the United States; and

WHEREAS, By observing Doctors' Day, New Jersey joins Congress and the executive in recognizing the contributions of physicians in enlarging the reservoir of scientific knowledge, increasing the number of scientific tools, and expanding the ability of health professionals to use the knowledge and tools effectively in the never-ending fight against disease; and

WHEREAS, Observing Doctors' Day also recognizes physicians for the sympathy and compassion they show in maintaining the mental and physical health of our citizens, ministering to the sick, and alleviating human suffering in many different healthcare settings; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

C.36:2-232 "Doctors' Day," March 30; designated.

1. March 30th is designated as "Doctors' Day" in the State of New Jersey in order to recognize physicians for the care they provide and the contributions they have made to advance the field of medicine.

C.36:2-233 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and citizens of this State to observe "Doctors' Day" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved March 28, 2014.

JOINT RESOLUTION NO. 2

A JOINT RESOLUTION to declare the second Saturday of July of each year as "Dominican Pride Day" in New Jersey.

WHEREAS, The Dominican Republic is the second largest country in the Caribbean region by both land mass and population, and is distinguished historically and geographically as one of the first sites visited by Christopher Columbus during his first transatlantic voyage in 1492; the first permanent European settlement in the Americas in its capital of Santo Domingo; the site of the first cathedral and university in the New World; and the highest mountain peaks and lowest elevation lake in the Caribbean region; and

WHEREAS, Yearning to be a sovereign nation, a social movement led by founding father Juan Pablo Duarte and his allies achieved independence and founded the Dominican Republic in 1844, and on February 27th of 2013 the Dominican Republic celebrated the 169th anniversary of its independence; and

WHEREAS, At least since 1884 the United States has maintained formal diplomatic relations with the Dominican Republic, and today considers it an important partner in regional and international affairs, as the Dominican Republic constitutes the largest economy in the Caribbean, has built stable democratic institutions, is in close geographic proximity to the United States, and is visited by thousands of Americans and other international travelers each year due to its booming tourism industry; and

WHEREAS, Aside from diplomatic relations, some of the most significant bonds that bring both countries together are the contributions that Dominican-Americans have made and continue to make to the economic, cultural, and political life of the United States as they have become part of its social fabric; and

WHEREAS, About 1.5 million Hispanics of Dominican origin or ancestry currently live in the United States, comprising the fifth largest Hispanic origin group after Mexicans, Puerto Ricans, Cubans, and Salvadorans; and

WHEREAS, Every day, Dominicans in the United States make significant contributions to society as workers in factories, homes, and public and private sector institutions; as business owners of bodegas, supermarkets, and restaurants in our neighborhoods and communities; as elected leaders at the local, state, and national government levels; as athletes on the baseball fields delivering the great American pastime; as artists in music, cinema, and fashion design; and as soldiers defending our freedoms among the ranks of the United States Armed Forces, among other areas; and

WHEREAS, Notable Dominican-Americans are a source of great pride for all Dominicans for the outstanding contributions they have made in their respective fields, including Oscar de la Renta in fashion design; Junot Diaz and Julia Alvarez in literature; Sammy Sosa, Pedro Martinez, David Ortiz, Manny Ramirez, Albert Pujols and many others in baseball; "the Queen of Technicolor" Maria Montez and Zoe Saldana in film; and Dr. Juan Manuel Taveras Rodriguez in the medical field of neuroradiology, among others; and

WHEREAS, The largest concentrations of Dominicans in the United States are found in the northeast, with New York and New Jersey having the largest Dominican populations, and the cities of Paterson, Perth Amboy, Jersey City, and Newark constituting large Dominican communities in New Jersey; and

WHEREAS, Given the significant contributions that Dominican-Americans and other Dominicans have made and continue to make to the United States, and especially to the State of New Jersey where large Dominican communities reside, it is fitting and proper that we recognize the outstanding history and geography of the Dominican Republic and, most of all, the wonderful contributions of Dominican-Americans and other Dominicans to all aspects of American life which we all can look to with pride; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

C.36:2-235 "Dominican Pride Day," second Saturday in July; designated.

1. The second Saturday of July of each year is permanently designated as "Dominican Pride Day" in New Jersey, in recognition of the outstanding history and geography of the Dominican Republic and, most of all, the wonderful contributions of Dominican-Americans and other Dominicans to all aspects of American life and to this State.

2. This joint resolution shall take effect immediately.

Approved August 1, 2014.

JOINT RESOLUTION NO. 3

A JOINT RESOLUTION designating June as "New Jersey Arts, Culture, History, and Tourism Month."

WHEREAS, New Jersey is home to a host of diverse artistic and cultural institutions, including live theater troupes, the New Jersey State Opera, dance companies, craft fairs, popular music concerts, jazz and folk festivals, the New Jersey Symphony Orchestra, museums of art and history, and performance venues for events both large and small, including the New Jersey Performing Arts Center; and

WHEREAS, A diverse range of pristine, natural destinations can be found throughout New Jersey, including 127 miles of beautiful, white sand beaches, State and national parks including the Delaware Water Gap National Recreation Area, Great Egg Harbor National Scenic and Recreational River, Great Falls Historic District, the Pinelands National Reserve, a 72-mile stretch of the Appalachian National Scenic Trail, over 4,100 freshwater lakes, ponds, rivers, and streams, and more than 60 gardens and arboretums; and

WHEREAS, New Jersey has a rich and storied history, starting with the indigenous Lenni Lenape people and continuing though the State's role as the "Crossroads of the American Revolution," its importance as a stop along the Underground Railroad, its contributions to scientific and technological innovation, and its place as the gateway to the United States for immigrants passing through Ellis Island; and

WHEREAS, Visitors can experience the richness of the State's past through New Jersey's many museums, historic villages, Revolutionary War battlegrounds, heritage trails, Underground Railroad stations, Thomas Edison's laboratories, Liberty State Park, and the State's 11 historic lighthouses; and

WHEREAS, Amateurs and enthusiasts alike can participate in a wide range of outdoor activities in New Jersey, including skiing, snowboarding, ice skating, canoeing, kayaking, surfing, biking, hiking, horseback riding, camping, hunting, golfing, whale watching, bird watching, and encounters with more than 500 species of wildlife; and

WHEREAS, Adults, children, and the entire family can enjoy a diverse range of recreational activities all over the State, including visits to aquariums, water parks, amusement parks, boardwalks, world-class shopping, horse racing, casinos, wine tastings, wine festivals, and the markets and farms that cultivate the more than 100 types of "Jersey Fresh" produce; and

WHEREAS, The first college football game, the first professional basketball game, and the first game of modern baseball were all played in New Jersey, and the State remains a hub for both amateur and professional sports, with stadiums and arenas hosting baseball, football, ice hockey, basketball, and soccer teams; and

WHEREAS, The tourism industry represents a vital component of New Jersey's overall economy, functioning as the third-largest source of private-sector employment in the State, providing billions of dollars in economic activity and revenue in the form of taxes, and creating a general sense of pride that results from New Jersey's desirability as a destination for millions of vacationers; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

C.36:2-236 "New Jersey Arts, Culture, History, and Tourism Month," June; designated.

1. The month of June is designated as "New Jersey Arts, Culture, History, and Tourism Month," in recognition of the State's numerous unique recreational, cultural, and historic attractions, and the vital role tourism plays in contributing to the State's well-being.

C.36:2-237 Annual observance.

2. The Governor is requested to annually issue a proclamation and call upon public officials, private organizations, and all citizens and resi-

dents of this State to celebrate and experience the contribution these attractions make to the overall quality of life and economic prosperity of New Jersey.

3. This joint resolution shall take effect immediately.

Approved August 5, 2014.

JOINT RESOLUTION NO. 4

A JOINT RESOLUTION designating the second full week in November of each year as "Veterans' Education Awareness Week."

WHEREAS, Brave men and women throughout our nation's history have served with honor in the United States Armed Forces and have participated in the wars and conflicts in which this country has engaged; and

WHEREAS, Since President Franklin Roosevelt signed the first GI Bill, known officially as the "Servicemen's Readjustment Act of 1944," the Federal government has provided federal aid to help veterans readjust to civilian life, and such aid included financial assistance for tuition, books, and supplies, and other fees for education; and

WHEREAS, By the time the first GI Bill expired on July 25, 1956, an estimated 7.8 million of the 16 million World War II veterans had participated in an education or training program, using benefits provided through the GI Bill; and

WHEREAS, With the events of September 11, 2001 spawning two wars and creating a new generation of veterans, President George Bush signed the Post-9/11 GI Bill, known officially as the "Post-9/11 Veterans Educational Assistance Act of 2008," to provide educational benefits for veterans who have served since September 11, 2001; and

WHEREAS, The Post-9/11 GI Bill provides educational benefits for veterans, including active duty National Guard and Reserve members, that significantly reduce the cost of attending a college; and

WHEREAS, According to the 2011 U.S. Census data, employees with an associate's degree earn 26.3% more than those with only a high school diploma, and persons with a bachelor's degree earn 87.4% more than those with only a high school diploma; and

WHEREAS, The lack of awareness of available educational benefits, or how to attain them, can deter veterans from seeking post-secondary education; and

WHEREAS, According to a survey conducted by the American Council on Education on the first year of the Post-9/11 GI Bill, 38% of survey respondents reported having difficulties understanding their benefits and choosing the best education benefits for their needs; and

WHEREAS, Veterans in the State of New Jersey can find important information and updates on the Operation College Promise website, including resources to help veterans maximize the education entitlements they have earned, and veterans need to develop an awareness and understanding of this beneficial resource; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

C.36:2-238 "Veterans' Education Awareness Week," second full week in November; designated.

1. The second full week in November of each year is designated as "Veterans' Education Awareness Week" in New Jersey in order to raise public awareness of the Post-9/11 GI bill, the educational benefits that veterans are entitled to, and the resources available to help veterans maximize their educational benefits under the Post-9/11 GI Bill, including the use of the Operation College Promise website.

C.36:2-239 Annual observance.

2. The Governor is respectfully requested to issue a proclamation calling upon public officials and citizens of this State to observe "Veterans' Education Awareness Week" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 6, 2015.

JOINT RESOLUTION NO. 5

A JOINT RESOLUTION designating one week each year as "Pollinator Week."

WHEREAS, Pollinator species, such as birds, bees, bats, and butterflies, are essential partners of farmers in producing much of the food supply throughout the United States and here in the Garden State; and

WHEREAS, The success of many of New Jersey's most popular and economically important crops, such as blueberries, apples, cranberries, cucumbers, squash, and pumpkins, are dependent upon pollinators; and

WHEREAS, The maintenance of healthy, biodiverse ecosystems depends upon the significant environmental benefits provided by pollinator species; and

WHEREAS, Pollination plays a vital role in the health of the State and national forests and grasslands, which provide forage, fish and wildlife, timber, water, mineral resources, and recreational and economic development opportunities for communities; and

WHEREAS, New Jersey's State Bug, the domesticated honey bee (*Apis mellifera*), is a key contributor to pollination in the State; and

WHEREAS, Through the cooperative efforts of the New Jersey Department of Agriculture, the New Jersey Beekeepers Association, and Rutgers, the State University, 2,000 new beekeepers have been trained since 2006, helping to cultivate one of the State's important pollinator species; and

WHEREAS, The benefits that native pollinator species provide to New Jersey, whether agricultural, environmental, recreational, or economic, have been documented through extensive research at Rutgers, the State University, and other institutions of higher learning; and

WHEREAS, It is altogether fitting and proper for the State of New Jersey to demonstrate its support for the cultivation of pollinators so that these remarkable contributors to the State may continue to flourish and provide New Jersey with abounding benefits; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

C.36:2-240 "Pollinator Week"; designated; annual observance.

1. a. One week each year shall be designated as "Pollinator Week" which shall fall on the dates designated in the annual proclamation of "National Pollinator Week" by the United States Department of Agriculture, or such other appropriate federal agency, except that if the United States Department of Agriculture, or such other appropriate federal agency, fails to make such a proclamation by May 31st in any given year, then, in that year,

the week beginning on the third Monday in June shall be designated as "Pollinator Week" in this State.

b. The Governor may annually issue a proclamation calling upon public officials and the citizens of this State to observe the week with appropriate activities and programs.

2. This joint resolution shall take effect immediately.

Approved January 9, 2015.

JOINT RESOLUTION NO. 6

A JOINT RESOLUTION permanently designating the third Thursday in November as "Children's Grief Awareness Day" in New Jersey.

WHEREAS, Many children 15 years of age or younger will suffer the loss of one or both parents, an immediate family member, or a close friend; and

WHEREAS, The majority of children and teens grieving a loved one feel alone, misunderstood, and fearful, causing an inability to manage or even face their grief; and

WHEREAS, Many adults and other children erroneously believe that grieving children and teens are resilient enough to "get over" their grief, which is why children and teens are often called "forgotten mourners"; and

WHEREAS, The unresolved grief of children and teens who experience the death of a parent, an immediate family member, or a close friend may lead to depression, hopelessness, and other mental health issues, including anxiety disorders and substance abuse, later in life; and

WHEREAS, Grief centers throughout New Jersey provide peer support to children and teens who have experienced the death of a parent, primary caregiver, sibling, family member, neighbor, or friend, offer comfort and guidance to young people and their families in their time of grief, and educate the community, including schools and businesses, on the profound effects that this type of personal loss has on children and teens; and

WHEREAS, National "Children's Grief Awareness Day" is observed every year on the third Thursday in November (the Thursday before the Thanksgiving holiday) to recognize and support grieving children and teens throughout the country during a part of the year when those

mourning the loss of a loved one often feel alone and set apart from their peers; and

WHEREAS, The permanent establishment of "Children's Grief Awareness Day" on the Thursday before the Thanksgiving holiday will raise public awareness about childhood bereavement and give the citizens of the State the opportunity to express their support for the thousands of children and teens living in New Jersey who have suffered the loss of a loved one and recognize the efforts of local grief centers, such as Common Ground Grief Center in Manasquan, Good Grief in Morristown, and The Alcove Center for Grieving Children in Northfield, for their work on behalf of grieving children and teens; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

C.36:2-241 "Children's Grief Awareness Day," third Thursday in November; designated.

1. The third Thursday in November of each year is permanently designated as "Children's Grief Awareness Day" in New Jersey in order to raise public awareness about childhood bereavement and give the citizens of the State the opportunity to express their support for the thousands of children and teens living in New Jersey who have suffered the loss of a loved one and recognize the efforts of local grief centers, such as Common Ground Grief Center in Manasquan, Good Grief in Morristown, and The Alcove Center for Grieving Children in Northfield, for their work on behalf of grieving children and teens.

C.36:2-242 Annual observance.

2. The Governor is respectfully requested to annually issue a proclamation recognizing the third Thursday in November as "Children's Grief Awareness Day" in New Jersey and calling upon public officials, the citizens of the State, and other interested groups to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 9, 2015.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 147

WHEREAS, beginning on January 21, 2014 the State of New Jersey is expected to experience a severe winter storm with high winds, heavy snow, mixed precipitation, dangerous storm surges, and sub-zero temperatures throughout the State; and

WHEREAS, this severe winter storm is predicted to produce hazardous travel conditions, cause fallen trees and power outages, and produce potential coastal, stream, and river flooding throughout the State; and

WHEREAS, this severe winter storm is expected to result in dangerous conditions across New Jersey for several days, impeding transportation and the normal operation of public and private entities; and

WHEREAS, the impending weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, it is necessary to take action in advance of the storm to lessen the threat to lives and property in this State; and

WHEREAS, the impending weather conditions constitute an imminent hazard, which threatens and presently endangers the health, safety, and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, in accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or

county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence could present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution, which will or might in any way conflict

with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated January 21, 2014.

EXECUTIVE ORDER NO. 148

WHEREAS, beginning on February 3, 2014 the State of New Jersey is expected to experience a severe winter storm with high winds, heavy snow, mixed precipitation, dangerous storm surges, and sub-zero temperatures throughout the State; and

WHEREAS, this severe winter storm is predicted to produce hazardous travel conditions, cause fallen trees and power outages, and produce potential coastal, stream, and river flooding throughout the State; and

WHEREAS, this severe winter storm is expected to result in dangerous conditions across New Jersey for several days, impeding transportation and the normal operation of public and private entities; and

WHEREAS, the impending weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, it is necessary to take action in advance of the storm to lessen the threat to lives and property in this State; and

WHEREAS, the impending weather conditions constitute an imminent hazard, which threatens and presently endangers the health, safety, and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, in accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence could present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or

modify any existing rule, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution, which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated February 3, 2014.

EXECUTIVE ORDER NO. 149

WHEREAS, beginning on February 4, 2014, the State of New Jersey is expected to experience a severe winter storm with heavy snow, mixed precipitation including ice, and freezing temperatures throughout the State; and

WHEREAS, this severe winter storm is predicted to produce hazardous travel conditions, cause fallen trees and power outages, and produce potential coastal, stream, and river flooding throughout the State; and

WHEREAS, this severe winter storm is expected to result in dangerous and icy conditions across New Jersey for several days, impeding transportation and the normal operation of public and private entities; and

WHEREAS, the impending weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, it is necessary to take action in advance of the storm to lessen the threat to lives and property in this State; and

WHEREAS, the impending weather conditions constitute an imminent hazard, which threatens and presently endangers the health, safety, and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, in accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any

or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence could present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution, which will or might in any way conflict

with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated February 4, 2014.

EXECUTIVE ORDER NO. 150

WHEREAS, beginning on January 2, January 21, February 3, and February 4, 2014, the State of New Jersey experienced severe winter storms bringing heavy snow, mixed precipitation including ice, and freezing temperatures throughout the State; and

WHEREAS, beginning on February 12, 2014, the State of New Jersey is expected to experience a severe winter storm with heavy snow, high winds, mixed precipitation including ice, and freezing temperatures throughout the State; and

WHEREAS, this severe winter storm is predicted to produce hazardous travel conditions, cause fallen trees and power outages, and produce potential coastal, stream, and river flooding throughout the State; and

WHEREAS, this severe winter storm is expected to result in dangerous and icy conditions across New Jersey for several days, impeding transportation and the normal operation of public and private entities; and

WHEREAS, the impending weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, the recent series of winter storms in New Jersey have reduced the supply of rock salt to critically low levels; and

WHEREAS, rock salt is an essential to maintaining safe travel on State, county, local, and interstate roads as a result of the dangerous and icy conditions during these winter storms; and

WHEREAS, it is necessary to take action in advance of the storm to lessen the threat to lives and property in this State; and

WHEREAS, the impending weather conditions constitute an imminent hazard, which threatens and presently endangers the health, safety, and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, in accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where

their continued presence could present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the Commissioner of the Department of Transportation to take all appropriate steps to alleviate the shortage of rock salt throughout the State in all matters concerning this state of emergency.

7. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

8. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

9. In accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

10. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution, which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

11. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

12. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any dis-

aster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

13. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated February 12, 2014.

EXECUTIVE ORDER NO. 151

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Superstorm Sandy ("Sandy") struck the State of New Jersey; and

WHEREAS, it is necessary to take action to minimize and mitigate additional hardships, loss, or suffering as the State continues rebuilding and recovering from Sandy; and

WHEREAS, our State continues to recover and rebuild, by, among other things, reopening businesses at the Jersey Shore as well as throughout the State; and

WHEREAS, N.J.S.A. 33:1-12 allows seasonal alcoholic beverage consumption licensees to sell alcoholic beverages for consumption during only a limited timeframe from May 1, until November 14, inclusive; and

WHEREAS, all seasonal alcoholic beverage consumption licensees are located along the New Jersey coast in Monmouth County; and

WHEREAS, in the wake of Sandy, due to evacuation, power outages, and the declared State of Emergency, all seasonal alcoholic beverage consumption licensees were adversely affected, as they were unable to remain open for business to the full extent allowed by N.J.S.A. 33:1-12, resulting in the loss of significant business activity; and

WHEREAS, on October 27, 2012, in light of the dangers posed by Sandy, and pursuant to the authority provided under the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, I declared a State of Emergency; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of the State government to protect against the emergency created by Sandy; and

WHEREAS, in accordance with N.J.S.A. App. A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of my Executive Orders, or that will in any way interfere with or impede their achievement; and

WHEREAS, on February 28, 2013, I issued Executive Order No. 126, which extended by two months the seasonal alcohol license for calendar year 2013,

thereby allowing those licensees, as well as the municipalities where they are located, to expeditiously recover from Sandy, recoup Sandy-related losses, and further the Jersey Shore's rebuilding efforts;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. For calendar year 2014, the date on which seasonal alcoholic beverage consumption licensees shall be permitted to commence serving alcoholic beverages shall be advanced from May 1, 2014 to March 1, 2014 and shall end on November 14, 2014, inclusive.

2. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with the provisions of this Executive Order, or that will or might in any way interfere with or impede its achievement.

3. This Order shall take effect immediately.

Dated February 19, 2014.

EXECUTIVE ORDER NO. 152

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Superstorm Sandy struck the State of New Jersey, causing unprecedented damage and destruction; and

WHEREAS, many private homes and related buildings suffered significant damage as a result of Superstorm Sandy; and

WHEREAS, municipalities have been primarily responsible for facilitating the demolition of Sandy-impacted eligible structures, as defined below; and

WHEREAS, working with property owners, municipalities have made significant strides toward demolishing many of these structures; and

WHEREAS, despite these efforts, some Sandy-impacted eligible structures have yet to be demolished, thereby frustrating the State's continuing rebuilding and recovery efforts; and

WHEREAS, these structures present an ongoing emergency, including without limitation, constituting fire hazards, jeopardizing health and community safety by creating physical dangers, and/or increasing the risk of the spread of vector-borne diseases; and

WHEREAS, no local entity is suited to remediate this problem and, therefore, it is necessary for the State to take appropriate action to demolish these structures; and

WHEREAS, in light of the significant and widespread dangers posed by Superstorm Sandy, and in order to protect the health, safety, and welfare of the peo-

ple of the State of New Jersey, on October 27, 2012, I signed Executive Order No. 104 declaring and proclaiming that a State of Emergency exists in the State of New Jersey; and

WHEREAS, in Executive Order No. 104 and in accordance with N.J.S.A. App. A:9-34 and -51, I expressly reserved the right to utilize and employ all the available resources of the State government and of each and every political subdivision of this State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency; and

WHEREAS, under N.J.S.A. App. A:9-40 and 9-45, I am authorized to make such orders, rules and regulations as may be necessary to adequately meet the various problems presented by an emergency; and

WHEREAS, under N.J.S.A. App. A:9-48, I am authorized to designate a person to take command of emergency management activities and to delegate to such person emergency powers granted me under that Act; and

WHEREAS, the Department and Commissioner of Community Affairs have the expertise, staff, and training needed to best deal with the various aspects of this issue;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State, do hereby ORDER and DIRECT:

1. For purposes of this Order the following terms shall have the meaning indicated:

a. "Commissioner" means the Commissioner of Community Affairs.

b. "Department" means the Department of Community Affairs.

c. "Property owner" means the owner of a property as indicated by a title search, or any person with legal authority to act on behalf of that person.

d. "Sandy-impacted eligible municipality" means a municipality located in one of the nine counties designated by the United States Department of Housing and Urban Development in its notice published in the Federal Register on March 5, 2013 (Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union).

e. "Sandy-impacted eligible structure" means any building that is unsound, unsafe, or in a state of disrepair to the extent that it has become uninhabitable due to damage reasonably shown to have been caused by Superstorm Sandy in a Sandy-impacted eligible municipality.

2. I designate the Commissioner to oversee the State's efforts with regard to the demolition of Sandy-impacted eligible structures.

3. I delegate to the Commissioner the power granted me under N.J.S.A. App. A:9-34 to commandeer Sandy-impacted eligible structures. I further delegate to the Commissioner the authority to commandeer temporary rights of way on any property containing Sandy-impacted eligible structures that are necessary to demolish

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the structure, to facilitate demolition of the structure, or to carry out any other activities described in, or consistent with, this Order.

4. Identification of Sandy-impacted eligible structures:

a. The Department shall take reasonable steps to identify properties potentially containing Sandy-impacted eligible structures.

b. Code enforcement officials from the Department, or other qualified code enforcement officials designated by the Department that may include local code officials, shall be dispatched to each property reasonably identified as potentially containing a Sandy-impacted eligible structure. Where a code enforcement official determines that a property contains a Sandy-impacted eligible structure, he or she shall prepare a report that states the nature of the hazard or hazards resulting in the determination that the structure is a Sandy-impacted eligible structure.

c. Code enforcement officials from the Department, or other qualified code enforcement officials or their agents, guided by the procedures specified in N.J.S.A. 20:3-16, shall have the authority to enter onto any private or public property to perform the activities required by Paragraph 4.

d. The Commissioner may enter into such agreements with municipalities or other entities as the Commissioner deems useful or necessary to carry out activities pursuant to Paragraph 4.

5. Notices required after a structure is determined to be a Sandy-impacted eligible structure:

a. Notice to the Property Owner: The Department shall cause a title search to be performed to identify the property owner of the property containing the Sandy-impacted eligible structure. Notice of the Sandy-impacted eligible structure determination shall be served on the property owner by personal service within the municipality where the structure is located. If the property owner cannot be found within the municipality where the structure is located after diligent search, then the notice shall be sent by registered or certified mail to the last known address of such person, as on file with the office of the tax collector, and a copy of the notice shall be posted in a conspicuous place on the premises. All subsequent notifications to the property owner required by this Order shall be made by registered or certified mail to the last known address, or to an address provided by the property owner.

b. The notice shall specify that within fifteen calendar days from the date the notice is served, the property owner must declare his or her: (A) acceptance of the terms of requirements in the notice and preference for the State to demolish the Sandy-impacted eligible structure pursuant to the provisions of this Order; (B) acceptance of the terms of requirements in the notice and preference to perform the required demolition himself or herself; or (C) rejection of the terms of requirements in the notice. The notice shall include a telephone number and email and mailing address where responses from property owners to the notice can be sent.

c. The Department shall attach a form to the notice to be completed by a property owner who accepts the terms of the notice and indicates a preference to have the State demolish the structure pursuant to the provisions of this Order. The form shall specify the conditions described in this Order that would follow from

authorizing the State to perform the demolition pursuant to this Order. The form shall contain such other information as the Department deems appropriate to facilitate the demolition of structures consistent with this Order.

d. If the property owner accepts the terms of the notice but indicates his or her intent to demolish the Sandy-impacted eligible structure without the State's assistance, the Department shall notify the property owner in writing that he or she has 90 calendar days from the date of such notice to perform the required demolition of the Sandy-impacted eligible structure, or else the Department will proceed with demolition pursuant to Paragraph 7 of this Order. Such notice shall indicate that the property owner may request in writing from the Department reasonable extensions of the 90-day demolition period and shall specify a process for the property owner to make such requests. The Department shall exercise discretion in determining whether to grant or deny extension requests, and may request in writing, if necessary, documentation or other proofs from the property owner to inform the decision. No extension requests shall be granted beyond 180 calendar days from the date of the notice described in this Paragraph, absent a showing of good cause.

e. The notice shall indicate that, at any time during this process, the property owner may complete and submit to the Department the consent form described in Paragraph 5(c), and thereby consent to the State performing the demolition of the structure pursuant to this Order.

f. If the property owner rejects the terms of the notice, the Department shall notify the property owner in writing that, to prevent the demolition, within fifteen calendar days of the date of the notice provided by this Paragraph the property owner must submit a challenge to the Sandy-impacted eligible structure determination, pursuant to Paragraph 9.

g. Notice to Lien Holders: Contemporaneous with the issuance of notice to the property owner of the Sandy-impacted eligible structure determination, notice of the Sandy-impacted eligible structure determination shall be sent to any lien holder shown by the title search as having an interest in the property. Notice shall be sent by registered or certified mail to the last known address of each lien holder or may be affected by sending the notice by registered or certified mail to an address specified by the lien holder.

h. Upon receipt of the notice, a lien holder may request in writing, within fifteen calendar days of the date of the notice, that the Department delay demolishing the Sandy-impacted eligible structure for a period not to exceed ninety calendar days from the date of the notice. The property owner shall be copied on any such request. The Department shall grant such requests upon good cause shown. If such request is granted, the Department shall so notify the property owner. No extensions of this ninety-day period shall be permitted, except upon a showing of good cause.

6. Demolition of structures by consent of the property owner:

a. A property owner may consent to the demolition of the Sandy-impacted eligible structure identified in the notice by providing the Department with the form described in Paragraph 5(c). Upon receiving the form, the Department shall notify

any lien holders identified in the title search of the property owner's consent to demolition. Notice shall be provided to the lien holders pursuant to the process described in Paragraph 5(g).

b. A property owner who consents to the demolition of the Sandy-impacted eligible structure waives any legal claim for just compensation or other relief in law or equity in connection with any activity relating to the demolition.

c. The Department may proceed with the demolition in accordance with the provisions of this Order.

7. Demolitions of structures without consent of the property owner:

a. If a property owner does not consent to demolition of the Sandy-impacted eligible structure by the State, and timely initiates a proceeding to challenge the Sandy-impacted eligible structure determination pursuant to Paragraph 9, demolition of such structure shall not proceed unless and until the proceeding concludes with a final agency determination that the structure to be demolished is a Sandy-impacted eligible structure. Following a final agency determination that a structure is such, the Department may proceed with demolition of the structure in accordance with the provisions of Paragraph 6.

b. No demolition activities, with the exception of an appraisal by the Department described in Paragraph 10, may occur within twenty-one calendar days of the date of the final agency determination described in Paragraph 9. During that time, the property owner shall have the opportunity to perform an appraisal of the structure to be demolished, at his or her expense. The property owner may request that the Department provide a reasonable extension of the twenty-one-day appraisal period, which the Department should grant upon good cause shown. In no circumstance shall the total time allowed for an appraisal by the property owner exceed sixty calendar days. Upon request, the property owner shall provide to the Department any appraisal of the structure obtained in connection with the demolition of the Sandy-impacted eligible structure pursuant to this Order.

c. Upon satisfying the notice requirements, the Department shall be authorized to enter onto the property as necessary to take all reasonable steps to demolish the Sandy-impacted eligible structure and remove the resulting debris.

8. Demolition of structure where property owner fails to act:

a. If a property owner fails to timely respond to the notice provided pursuant to Paragraph 5(a) with regard to the demolition of the Sandy-impacted eligible structure by the State or fails to timely initiate a proceeding pursuant to Paragraph 9 to challenge the Sandy-impacted eligible structure determination, the Department may proceed with the demolition of the Sandy-impacted eligible structure in accordance with the provisions of Paragraph 7.

b. Upon satisfying the requirements in subparagraph a, the Department shall be authorized to enter onto the property as necessary to take all reasonable steps to demolish the Sandy-impacted eligible structure and remove the resulting debris.

9. Process for challenging a Sandy-impacted eligible structure determination:

a. A property owner seeking to challenge a Sandy-impacted eligible structure determination shall have the right to apply to the Department for a hearing. Such a

hearing shall be held within fourteen calendar days of the Department's receipt of such a request.

b. At the hearing, the property owner shall have the opportunity to present evidence that the structure at issue is not a Sandy-impacted eligible structure. The Commissioner shall render the final agency determination as to whether the structure at issue is a Sandy-impacted eligible structure based on the evidence provided by the Department and by the property owner at the hearing.

c. If the property owner prevails in a proceeding filed pursuant to Paragraph 9(a), no demolition can proceed under this Order. The property owner cannot recover money damages, costs, or fees.

d. If the State prevails, the demolition of the Sandy-impacted eligible structure shall proceed in accordance with this Order. The State shall not be entitled to recover costs or fees.

10. Appraisals. Before performing any demolition without consent, the Department shall cause to be obtained a qualified, independent appraisal of the Sandy-impacted eligible structure. The Department shall notify the property owner of the intended entry for purposes of performing the appraisal by sending a notice to the property owner at least ten calendar days prior to performing the appraisal. Additionally, before performing any demolition without consent, the Department shall cause to have competing appraisals reviewed by an individual with appropriate qualifications to review appraisals and such review shall be binding on the Department.

11. The Department of the Treasury shall procure and enter in accordance with the requirements in existing statutes on behalf of the Department any contracts necessary to plan for the demolition of, and to demolish, Sandy-impacted eligible structures identified by the Department in a manner consistent with this Order.

12. Except as provided in Paragraph 6(b), nothing in this Order shall be construed to deny to any person who has an interest in the property containing the Sandy-impacted eligible structure the right to obtain therefor future payment of the reasonable value of such structure. No compensation shall be granted to any individual to the extent that the action of the State does not amount to a taking of property but to a reasonable regulation of property pursuant to a proper exercise of the police power. Furthermore, to the extent federal recovery funds are used to pay for the activities described in this Order, activities shall comply with the federal Uniform Relocation Act, where applicable.

13. Nothing in this Order should be construed to waive or modify any other statutory or regulatory authority that could be invoked by the Commissioner, the Department, or a municipality to facilitate the demolition of Sandy-impacted eligible structures, including but not limited to authority provided by the Uniform Construction Code. Moreover, nothing in this Order should be construed to limit the Commissioner, the Department, or a municipality from working with a property owner to secure an understanding whereby the property owner agrees to reasonably address the condition of the Sandy-impacted eligible structure within a reasonable period of time under the circumstances.

14. The Department is authorized to call upon any department, office, division, or agency of this State for information or assistance as deemed necessary to discharge the duties of the Department under this Order. Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Department and provide such assistance as is necessary to accomplish the purpose of this Order.

15. This Order shall take effect immediately.

Dated February 28, 2014.

EXECUTIVE ORDER NO. 153

WHEREAS, beginning on March 2, 2014, the State of New Jersey is expected to experience a severe winter storm with heavy snow, mixed precipitation including ice, and freezing temperatures throughout the State; and

WHEREAS, this severe winter storm is predicted to produce hazardous travel conditions, cause fallen trees and power outages, and produce potential coastal, stream, and river flooding throughout the State; and

WHEREAS, this severe winter storm is expected to result in dangerous and icy conditions across New Jersey for several days, impeding transportation and the normal operation of public and private entities; and

WHEREAS, the impending weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, it is necessary to take action in advance of the storm to lessen the threat to lives and property in this State; and

WHEREAS, the impending weather conditions constitute an imminent hazard, which threatens and presently endangers the health, safety, and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, in accordance with N.J.S.A. App. A:9-33, et seq., as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence could present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public

health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with N.J.S.A. App. A:9-34 and -51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution, which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated March 2, 2014.

EXECUTIVE ORDER NO. 154

WHEREAS, New Jersey's military installations are essential components of our State's integrated economy and social fabric, contributing economic and societal benefits to communities all across the State; and

WHEREAS, the men and women who live and work in our military installations are an indispensable part of our State and our Nation, defending our country through active duty service, service in the National Guard, service in critical reserve functions, and service in essential civilian roles; and

WHEREAS, New Jersey's military installations contribute billions of dollars directly and indirectly to our State's economy; and

WHEREAS, ensuring the stability and growth of all New Jersey military installations is essential to preserving and enhancing the quality of life for the tens of thousands of military and civilian employees who keep our State and our Nation secure and prosperous; and

WHEREAS, on June 13, 2013, I signed Executive Order No. 134 (2013) establishing the New Jersey Military Installation Growth and Development Task Force ("Task Force"), for the purpose of taking steps necessary and appropriate for the development of recommendations relating to additional military missions that will preserve, enhance, and strengthen the State's military installations; and

WHEREAS, in view of our fiscally austere times, federal officials are examining methods to potentially reduce military spending and the size of our nation's armed forces; and

WHEREAS, it is in New Jersey's best interests to undertake every effort to ensure that all New Jersey military installations remain a vibrant part of our State and to ensure that all New Jersey military installations are positioned to grow and prosper; and

WHEREAS, to best preserve our State's critically important military installations and ensure their stability and growth, State policymakers must make every effort to attract new missions and fresh projects on and near those installations; and

WHEREAS, over the last four years, the Lieutenant Governor has led my Administration's comprehensive, economic development strategy focused on growing the State's economy and attracting and retaining jobs;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraph 2 of Executive Order No. 134 (2013) is hereby amended to expand the membership of the Task Force by one member, from its current five (5) members to six (6) members, all of whom shall be appointed by the Governor and serve at the Governor's pleasure. The sixth member shall be the Lieutenant Governor, who shall serve as the chair of the Task Force.

2. This Order shall take effect immediately.

Dated April 4, 2014.

EXECUTIVE ORDER NO. 155

WHEREAS, Executive Order No. 3 (2010) created a Red Tape Review Group ("Review Group") to review pending and proposed rules, regulations, prior Executive Orders, and processes that are, or may be, unduly burdensome to the State's economy; and

WHEREAS, the Review Group recommended a series of executive policy changes and legislative proposals designed to improve administrative rulemaking by State agencies; and

WHEREAS, in furtherance of Governor Christie's continued commitment to improving the regulatory environment in New Jersey, Executive Order No. 41 (2010) continued the efforts of the Review Group by establishing a bi-partisan Red Tape Review Commission ("Review Commission") to provide on-going advice to the Governor on rules, regulations, legislation, Executive Orders, and other administrative processes that could hamper economic development in New Jersey; and

WHEREAS, in performing its work, the Review Commission has solicited public input from the regulated community, business associations, businesses and non-profits, and private citizens that have informed the Review Commission's analysis of the impact of the regulatory environment on job creation, economic growth, and investment in New Jersey; and

WHEREAS, the recommendations of the Review Group and Review Commission have led to myriad regulatory and legislative changes that have improved New Jersey's business and regulatory environments including, but not limited to: adoption of the Revised Uniform Limited Liability Company Act; revising laws and regulations concerning professional and occupational licensure; streamlining the Administrative Procedure Act and improving stakeholder involvement in the rulemaking process; modernizing procedures for contested case hearings before the Office of Administrative Law; and requiring State departments and agencies to leverage technology in their rulemaking and permitting efforts; and

WHEREAS, Executive Order No. 41 (2010) expired on December 31, 2013; and-

WHEREAS, in view of the positive contributions of the Review Commission to New Jersey's regulatory environment, it is therefore appropriate for the Review Commission to continue its work for an additional period to further provide invaluable contributions to improving administrative processes and facilitating economic development;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraph 11 of Executive Order No. 41 (2010) is amended to provide that the Review Commission shall continue in existence until December 31, 2015.

2. This Order shall take effect immediately.

Dated April 30, 2014.

EXECUTIVE ORDER NO. 156

WHEREAS, the State of New Jersey ("State") is confronting a significant, unanticipated revenue shortfall for the fiscal year ending on June 30, 2014, less than six weeks from the date of this Order; and

WHEREAS, based on the most current projections developed by the Department of the Treasury ("Treasury"), actual and anticipated revenue collections by the State for the current fiscal year are expected to be substantially below the amounts estimated in connection with the Fiscal Year 2014 Appropriations Act, P.L.2013, c.77; and

WHEREAS, the State Treasurer, in coordination with the Department's Chief Economist and the Office of Revenue and Economic Analysis, now estimates that the State expects to realize a revenue shortfall in the gross income tax of approximately $875 million, which Treasury largely attributes to unanticipated taxpayer behavior in advance of federal tax changes associated with the 2012 fiscal cliff negotiations; and

WHEREAS, this newly identified shortfall creates a projected revenue shortfall of approximately $1 billion for Fiscal Year 2014 when other appropriate revenue adjustments are taken into account; and

WHEREAS, the State further anticipates additional essential spending needs during Fiscal Year 2014 of approximately $260 million, including support for individuals enrolled in programs administered by the Department of Human Services and winter operations of the Department of Transportation; and

WHEREAS, the combined total estimated revenue shortfall and additional essential spending needs for Fiscal Year 2014 is projected to be nearly $1.3 billion; and

WHEREAS, the administration has identified Fiscal Year 2014 underspending and lapses totaling more than $800 million, which is more than sufficient to cover all of the aforementioned supplemental Fiscal Year 2014 essential spending needs, but is not of such a magnitude as to overcome the totality of the unanticipated revenue shortfall; and

WHEREAS, the New Jersey State Constitution requires the Governor to take care that the laws of this State be faithfully executed, N.J. Const. (1947) Article V, Section 1, Paragraph 11, including ensuring compliance with the constitutional mandate that the State not end the fiscal year with a deficit in accordance with N.J. Const. (1947) Article VIII, Section 2, Paragraph 2; and

WHEREAS, the Governor is entrusted with the responsibility to protect the health, safety, and welfare of the people of this State, as well as the responsibility to aid in the prevention of damage, loss, or destruction of property in the event of emergency affecting the State pursuant to the Disaster Control Act, N.J.S.A. App.A:9-30 et seq.; and

WHEREAS, during the course of a fiscal year, the Governor may take steps to limit State spending if it appears that revenues have fallen below those originally anticipated in the Appropriations Act by ordering the Director of the Di-

vision of Budget and Accounting ("Director") to freeze spending and place items into reserve pursuant to N.J.S.A. 52:27B-26; and

WHEREAS, failure to exercise these powers would result in the State lacking sufficient resources to provide essential State services and basic operations of State government for the balance of Fiscal Year 2014, potentially causing immediate, devastating impacts on the residents of the State; and

WHEREAS, in order to determine which items of spending should be reserved, the State Treasurer and the Director have conferred with the various departments of State government to identify items that can be reserved in Fiscal Year 2014 without imperiling the health, safety, and welfare of the people of the New Jersey; and

WHEREAS, because of the magnitude of the current fiscal situation and the fact that less than six weeks are left in the fiscal year to address it, it is imperative that all unexpended items of appropriation be closely scrutinized and, if appropriate, frozen in order to address the situation; and

WHEREAS, at this late point in the fiscal year, the list of potential options for placement into reserve is short and unappealing, consisting of items of appropriation such as payments to satisfy the State's debt service obligations and payments to institutions of higher education, hospitals, nursing homes, school districts, municipalities in fiscal distress in the Transitional Aid program, and the State's pension systems; and

WHEREAS, making severe cuts to some of these programs at this point in the fiscal year would result in unacceptable risks and adverse consequences to the public health, safety, and welfare, including but not limited to lack of access to emergency healthcare;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. In light of the facts and circumstances set forth in brief above, the Director is hereby ordered to identify and place into reserve items of appropriation pursuant to N.J.S.A. 52:27B-26 in an amount sufficient to ensure that the State does not end the fiscal year with a deficit. The Director shall notify the State Treasurer and the Governor's Office immediately of the list of items placed into reserve. In the event that during the remainder of Fiscal Year 2014, actual revenues collected are less than the revenues presently anticipated for collection, the Director shall take such further actions pursuant to N.J.S.A. 52:29B-26 to place into reserve additional amounts or items of appropriation so as to ensure that the State does not end the fiscal year with a deficit. The Director shall report to the Treasurer and the Governor's Office any additional amounts or items of appropriation that are placed into reserve as well as any actions to release reserved funds for expenditure.

2. In executing the directive described in the preceding paragraph, the Director shall not place into reserve or otherwise prevent the timely disbursement of the

following categories of appropriations, which have been determined to be essential at this time to the maintenance of the health, safety, and welfare of the residents of the State of New Jersey, despite the severity of the current fiscal situation: debt service payments and final payments to institutions of higher education, hospitals, nursing homes, school districts, and Transitional Aid to municipalities determined to be in fiscal distress.

3. If, and only if, necessary to achieve a budget for Fiscal Year 2014 with an undesignated ending fund balance of $300 million, the Director is authorized to place into reserve such amounts of payments to the State's pension systems as may be necessary to ensure that the State does not end the fiscal year with a deficit, but only after all other measures authorized in this Order are accomplished and only if those other authorized measures are insufficient; provided, however, that the Director shall not place into reserve the actuarially required annual normal contribution for all active employees calculated in a manner consistent with the provisions of P.L.2010, c.1.

4. The State Treasurer, in consultation with the Director, is directed to monitor the collection of revenues and State expenditures and to report to the Governor's Office on an ongoing basis so that appropriate adjustments, if any, can be made, including by placing into reserve items of appropriation in order to meet changing fiscal conditions.

5. All State officials and agencies shall cooperate fully in the implementation of this Order.

6. I reserve the right to take such actions and issue such orders or directives as may be necessary to meet the various problems presented by this situation, to protect the health, safety, and welfare of the people of this State, and to ensure the continued provision of essential State services.

7. This Order shall take effect immediately and shall remain in full force and effect until rescinded, modified, or supplemented by me.

Dated May, 20, 2014.

EXECUTIVE ORDER NO. 157

WHEREAS, Executive Order No. 144 (Corzine 2009) created the New Jersey Hellenic-American Heritage Commission ("Commission") to recognize, study, and promote Hellenic heritage, culture, and history; and

WHEREAS, Americans of Hellenic ancestry contribute to the cultural, social, and economic strength of our State and our Nation; and

WHEREAS, Executive Order No. 144 (Corzine 2009) expired on June 11, 2014; and

WHEREAS, the dissemination of knowledge of the heritage, culture, and history of Hellenes and Americans of Hellenic ancestry continues to be important to the State of New Jersey and its citizens; and

WHEREAS, in furtherance of my Administration's commitment to promoting New Jersey's rich and diverse cultural identity, it is therefore appropriate for the Commission to continue its work for an additional period;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraph 13 of Executive Order No. 144 (Corzine 2009) is amended to provide that the Commission shall continue in existence until June 11, 2019.

2. This Order shall take effect immediately.

Dated June 23, 2014.

EXECUTIVE ORDER NO. 158

WHEREAS, Jersey City Police Officer Melvin Santiago was born and raised in Jersey City, New Jersey; and

WHEREAS, Officer Santiago was a 2009 graduate of CREATE Charter High School in Jersey City, where he was one of three Hudson County high school seniors to earn the New Jersey Rising Scholars Award; and

WHEREAS, Officer Santiago studied Criminal Justice at Hudson County Community College; and

WHEREAS, Officer Santiago, fulfilling his dream of becoming a police officer, was hired by the Jersey City Police Department in July 2013 and graduated from the police academy in December 2013; and

WHEREAS, Officer Santiago was twenty-three years old, and a loving and devoted son and brother; and

WHEREAS, Officer Santiago was tragically killed in the line of duty while responding to a report of an armed robbery; and

WHEREAS, Officer Santiago's selfless devotion to public service and the protection of his community makes him a hero and a true role model for all New Jerseyans; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to recognize his true commitment to the welfare and safety of others, to mark his passing, to honor his memory, and to remember his family as they mourn their tragic loss;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities

during appropriate hours on Wednesday, July 16, 2014, in recognition of the life and in mourning of the passing of Police Officer Melvin Santiago.

2. Furthermore, pursuant to N.J.S.A. 52:3-12, the flag of the United States of America and the flag of New Jersey shall be flown at half-staff at the State House during appropriate hours in recognition of the life and in mourning of the passing of Police Officer Melvin Santiago.

3. This Order shall take effect immediately.

Dated July 14, 2014.

EXECUTIVE ORDER NO. 159

WHEREAS, the State of New Jersey ("State") is committed to improving the quality of education for all New Jersey children; and

WHEREAS, my Administration believes that the educational success of each child depends upon rigorous standards, excellent educators, and high quality student assessments that measure the progress of student learning and the effectiveness of classroom instruction; and

WHEREAS, in June 2010, the New Jersey State Board of Education amended the Core Curriculum Content Standards to include the Common Core State Standards in Mathematics and English Language Arts to provide clear guidelines for teachers and their pupils; and

WHEREAS, since 1990, the federal government has required the assessment of students and, beginning in 2015, the Partnership for Assessment of Readiness for College and Careers ("PARCC") assessment will replace the current State assessments; and

WHEREAS, in August 2012, with unanimous bipartisan support from the Legislature, I signed into law the Teacher Effectiveness and Accountability for the Children of New Jersey ("TEACHNJ") Act, which is designed to raise student achievement by improving instruction through constructive feedback, evaluations, and professional support of teachers and school leaders; and

WHEREAS, the U.S. Department of Education, as part of the flexibility available under the Elementary and Secondary Education Act, requires the State to use student growth data as a significant factor in the evaluation of teaching staff; and

WHEREAS, once implemented, the PARCC assessment will measure student learning and its results will be considered as one component, among others, as required in the evaluation of teaching staff under the TEACHNJ Act; and

WHEREAS, in order to determine if the Core Curriculum Content Standards and the PARCC assessment are appropriate to be implemented by school districts throughout New Jersey, a Study Commission composed of a broad range of education practitioners and experts should be established to review and make recommendations on the quality and effectiveness of all student assessments

administered to K-12 students by the State, school districts, and individual schools, including those administered for college admission, college credit, and career pathways; and

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Study Commission on the Use of Student Assessments in New Jersey (the "Study Commission").

2. The Study Commission shall consist of up to nine (9) members appointed by the Governor who shall serve at his pleasure. The Governor shall select a chairperson from among the members of the Study Commission. The Study Commission shall consist of individuals who have practical experience, knowledge, or expertise in the areas of education policy or administration. All members of the Study Commission shall serve without compensation. The Study Commission shall organize as soon as practicable after the appointment of its members.

3. The Study Commission is charged with presenting recommendations to the Governor regarding the quality and effectiveness of student assessments administered to K-12 students. In particular, the Study Commission shall consider and make recommendations on the volume, frequency, and impact of student assessments occurring throughout New Jersey school districts, and on the Core Curriculum Content Standards, including the Common Core State Standards.

4. The Department of Education shall provide staff support to the Study Commission. The Study Commission shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available as the Study Commission deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Study Commission within the limits of its statutory authority and to furnish the Study Commission with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Study Commission may consult with education stakeholders, practitioners, experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

5. The Study Commission shall issue an initial report containing its recommendations to the Governor no later than December 31, 2014. The Study Commission shall issue a final report to the Governor by July 31, 2015. The Study Commission shall expire upon the Governor's receipt of a report containing their final recommendations pursuant to this Executive Order.

6. The final report of the Study Commission shall be provided to the Legislature and shall be made available to the public.

7. This Order shall take effect immediately.

Dated July 14, 2014.

EXECUTIVE ORDER NO. 160

WHEREAS, Waldwick Police Officer Christopher Goodell grew up in Waldwick, New Jersey, and was a 2000 graduate of Waldwick High School; and

WHEREAS, Officer Goodell served in the United States Marine Corps before joining the Waldwick Police Department, where he was a police officer for five years; and

WHEREAS, Officer Goodell was an experienced radar and traffic officer, as well as a member of the county traffic officers safety organization; and

WHEREAS, Officer Goodell was recognized by the state chapter of Mothers Against Drunk Drivers in June 2014 for his efforts to combat drunk driving; and

WHEREAS, Officer Goodell was thirty-two years old, and a loving and devoted son and fiancé; and

WHEREAS, Officer Goodell tragically lost his life in the line of duty while operating radar on Route 17; and

WHEREAS, Officer Goodell's dedication to serving his nation and community makes it appropriate and fitting for the State of New Jersey to recognize his commitment to the welfare and safety of others, to mark his passing, to honor his memory, and to remember his family as they mourn their tragic loss; and

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Tuesday, July 22, 2014, in recognition of the life and in mourning of the passing of Police Officer Christopher Goodell.

2. Furthermore, pursuant to N.J.S.A. 52:3-12, the flag of the United States of America and the flag of New Jersey shall be flown at half-staff at the State House during appropriate hours in recognition of the life and in mourning of the passing of Police Officer Christopher Goodell.

3. This Order shall take effect immediately.

Dated July 18, 2014.

EXECUTIVE ORDER NO. 161

WHEREAS, one of the highest priorities of my Administration has been reforming the public pension systems and controlling the cost of health benefits coverage for public employees and retirees, in order to preserve reasonable and sustainable programs that do not imperil our State's financial future; and

WHEREAS, the State's past practice of increasing public employee benefits without planning for their payment and allowing for contributions by the State and its employees that did not match the benefits provided now jeopardizes the future solvency of the public pension systems, while the increasing costs of health benefits threatens to crowd out all other State budget priorities and inhibit future economic growth; and

WHEREAS, my Administration has worked with the Legislature to enact pension and health benefit reforms producing $120 billion in savings to taxpayers by 2041; and

WHEREAS, these important reforms marked only the first steps towards modernizing, stabilizing, and ultimately preserving our pension and health care benefit programs at sustainable levels; and

WHEREAS, despite the significant actions my Administration has taken to reform the pension and health benefits systems, and the fact that my Administration has made greater contributions to the pension systems than any previous administration, totaling $2.89 billion in Fiscal Years 2012 through 2015, liabilities continue to mount, resulting in an average annual cost to taxpayers of approximately $90,000 for each State employee's salary and benefits; and

WHEREAS, New Jersey taxpayers pay far more for public worker health insurance than the average private sector employer pays for its employees; and

WHEREAS, beginning in 2018 the federal Affordable Care Act will impose a 40% excise tax on "Cadillac" health plans, such as the health plans currently in place for public workers in New Jersey, and will result in the State paying a $261 million excise tax in Fiscal Year 2018 and a $837 million excise tax in Fiscal Year 2022; and

WHEREAS, given my Administration's commitment to the taxpayers of the State of New Jersey to fiscal responsibility and the fact that a significant portion of State revenues is used to fund public employee and retiree benefits, it is clear that further reforms to the pension systems and health benefits programs are necessary to ensure the sustainability of pensions and health benefits provided to public employees; and

WHEREAS, with pension payments scheduled to rise to as much as five billion dollars per year by Fiscal Year 2018 and given our State's already high taxes, there is no level of taxation available to us that would meet these costs and not destroy our State's economy and/or existing investments by the State in education, health care and our social safety net; and

WHEREAS, the Department of the Treasury and its Division of Pensions and Benefits are in the process of completing an exhaustive review of potential public employee entitlement reform proposals for my review; and

WHEREAS, to aid the Legislature's consideration of necessary reforms, to advise public employees regarding the types and levels of changes that will be necessary to preserve their pension and health care benefits, and to inform the taxpayers of New Jersey about the nature and extent of these serious challenges

and the risk that unless further reform occurs, the State's economy, finances and credit may face unprecedented and potentially disastrous consequences;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a non-partisan "New Jersey Pension and Health Benefit Study Commission" (hereinafter the "Study Commission").

2. The Study Commission shall consist of at least five (5) members, appointed by the Governor who shall serve at his pleasure.

3. The Study Commission shall make recommendations regarding the goals and criteria for a sustainable retirement and health benefit system that recognizes the State's desire to attract and retain a highly skilled workforce; courses of action regarding plan design changes to current pension and health benefits; and funding policies for the pension and health benefit systems that will have a high likelihood of allowing the State to achieve these goals.

4. The Study Commission shall examine the history of the State's existing pension and health benefit systems in order to understand what has put the systems in their current state; reform by other government entities; pension and health benefits provided in the private sector; and other factors it deems relevant in order to develop its recommendations regarding pension and health benefit reforms that will strengthen the systems' financial standing with less cost to the taxpayers while providing public employees and retirees with an appropriate level of benefits.

5. The Study Commission shall issue its recommendations in a report to the Governor, which shall include the following:

a. estimates of future benefit payments, expenses, investment returns, funded status and funding requirements of the pension and health benefit system, including the impact of funding requirements on the State's budget, using whatever assumptions and estimates, or ranges of assumptions and estimates, for economic environments and investment returns that the Study Commission determines to be appropriate;

b. an examination of the competitiveness of the pension programs within a total compensation perspective available to participants in the plans compared to similarly situated employees and to New Jersey residents working in the private sector; and

c. necessary constitutional, legislative, and regulatory actions required to implement the proposed changes.

6. The Study Commission shall evaluate and consider the work already undertaken by the Department of the Treasury to devise solutions to the challenges currently facing the pension and benefit systems, and, further, is authorized to call upon the expertise and assistance of all State departments, divisions, offices and agencies to carry out its mission.

7. The Study Commission shall report its findings and recommendations to the Governor as soon as possible and no later than thirty (30) days after organizing shall provide a status report as to its progress. The Study Commission shall expire upon the completion of its report containing its findings and recommendations.

8. This Order shall take effect immediately.

Dated August 1, 2014.

EXECUTIVE ORDER NO. 162

WHEREAS, on September 11, 2001, unprecedented terrorist attacks were launched on New York, Washington, D.C. and Pennsylvania; and

WHEREAS, more than one quarter of the victims of the September 11, 2001 attacks were New Jerseyans, with nearly seven hundred of our residents killed in the attacks; and

WHEREAS, thirteen years later, hundreds of New Jersey families must still cope with the devastating loss of a parent, spouse, child or other loved one; and

WHEREAS, this tragic event will be remembered by all New Jerseyans, as we continue to display today the patriotism that defines us as New Jerseyans and as Americans; and

WHEREAS, we remain grateful to our law enforcement communities and our Armed Forces for their invaluable sacrifices to protect us at home and abroad since the terrorist attacks; and

WHEREAS, it is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities and all public buildings during appropriate hours on Thursday, September 11, 2014 in recognition and mourning of all of those lost in the September 11th attacks, and particularly, those lost from our home State.

2. This Order shall take effect immediately.

Dated September 9, 2014.

EXECUTIVE ORDER NO. 163

WHEREAS, our country and the State of New Jersey suffer under a substance abuse and addiction epidemic; and

WHEREAS, the harmful impact of substance abuse and addiction to alcohol, illegal drugs, and prescription medication has devastated individuals, families, and communities; and

WHEREAS, individuals of all ages, backgrounds, and socio-economic status can fall prey to addiction, and those suffering with addiction are often ashamed of their disease, may be isolated from their communities due to real or perceived stigma, may suffer from co-occurring mental health and physical health diagnoses, and may be unsure where they can access treatment; and

WHEREAS, drug overdose death rates have increased significantly over the past several years, and we collectively mourn the loss of sons, daughters, parents, friends, colleagues, and classmates that have left us far too soon, and we must seek to understand the myriad factors that contribute to alcohol and drug-related deaths; and

WHEREAS, the effort to reduce substance abuse, prevent and treat addiction, and quell the rising epidemic across our State requires coordination across the healthcare system, the education system, the legal system, and the social safety net, with participation from parents, coaches, physicians, pharmacists, teachers, religious leaders, and others who can help prevent substance abuse and urge those who succumb to addiction to seek treatment; and

WHEREAS, a comprehensive and multi-faceted approach to de-stigmatizing addiction, enhancing prevention efforts, and strengthening treatment services is necessary to address the addiction crisis in our State; and

WHEREAS, as I have stated previously, every human life is precious, and no life is disposable; and

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a "Facing Addiction Task Force" (hereinafter "Task Force").

2. The membership of the Task Force shall be comprised of the following: (i) the Commissioners of the Department of Human Services, the Department of Health, the Department of Children and Families, and the Department of Corrections, the Attorney General, and the State Parole Board Chairman, each of whom shall serve ex officio and may appoint a designee; and (ii) six (6) public members appointed by the Governor. All members shall serve at the pleasure of the Governor and without compensation.

3. The Governor will designate one individual to serve as Chairperson of the Task Force. The Task Force shall meet on an as-needed basis as determined by the Chairperson.

4. The Task Force is charged with performing a variety of duties including, but not limited to:

a. Develop a thorough understanding of the impact of stigma on individuals struggling with addiction. The Task Force shall review current efforts addressing addiction-related stigma throughout the State and country, and shall develop recommendations for the Governor on additional strategies to reduce the stigma associated with substance abuse and addiction.

b. Develop a thorough understanding of the role prevention plays in reducing substance abuse, addiction, and overdose deaths. The Task Force shall review current preventative efforts underway throughout the State and country and shall develop recommendations for the Governor on enhancing prevention strategies and efforts in New Jersey.

c. Develop a thorough understanding of the role of treatment in helping individuals suffering from addiction conquer their disease and lead fulfilling and meaningful lives. The Task Force shall review the continuum of treatment options in New Jersey including inpatient treatment, outpatient services, and support groups, and develop recommendations for the Governor on strengthening the treatment system.

d. Advise the Governor from time to time and as necessary on matters related to stigma, addiction, and substance abuse.

5. The New Jersey Department of Human Services shall provide staff support to the Task Force. The Task Force shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available as the Task Force deems necessary to discharge its duties under this Order. Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force within the limits of its statutory authority and to furnish the Task Force with such assistance on a timely basis as is necessary to accomplish the purposes of this Order. The Task Force may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

6. This Order shall take effect immediately.

Dated October 9, 2014.

EXECUTIVE ORDER NO. 164

WHEREAS, the Ebola virus disease ("EVD"), formerly known as Ebola hemorrhagic fever, is a severe, potentially fatal illness that can spread among humans through direct contact with the bodily fluid of an infected person; and

WHEREAS, since the discovery of EVD in 1976, outbreaks in countries across the world have been controlled through a combination of medical monitoring and community engagement; and

WHEREAS, earlier this year, a new and significant outbreak of EVD emerged in West Africa; and

WHEREAS, the World Health Organization previously declared Ebola a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent West African EVD event, the Centers for Disease Control and Prevention ("CDC") and the United States Department of Homeland Security ("USDHS") initiated enhanced EVD entry screening at certain airports in the United States, including Newark Liberty International Airport, for travelers from EVD-affected nations; and

WHEREAS, the USDHS has determined that all commercial airlines transporting individuals into the United States who may have been in contact with EVD patients will be routed to five airports, including Newark Liberty International; and

WHEREAS, preparation for public health hazards such as EVD must involve a coordinated effort across federal, state, county, and local governments, first responders, private organizations, and the entire health care industry in New Jersey; and

WHEREAS, it is necessary and appropriate to take action to ensure that EVD remains controlled, and that residents of New Jersey remain safe and secure;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created an "Ebola Virus Disease Joint Response Team" (hereinafter the "EVD-JRT").

2. The EVD-JRT shall be comprised of the following six (6) members: the Commissioners of the Department of Health, the Department of Human Services, and the Department of Education, the Attorney General, the Director of the Office of Homeland Security and Preparedness, and the Superintendent of the State Police, each of whom shall serve ex officio and may appoint a designee. All members shall serve at the pleasure of the Governor and without compensation.

3. The Commissioner of Health shall serve as the Chairperson of the EVD-JRT. The EVD-JRT shall meet on an as-needed basis as determined by the Chairperson.

4. The EVD-JRT is charged with coordinating all efforts of this State to appropriately prepare for and respond to the EVD public health hazard. The EVD-JRT is responsible for coordinating with all other members of the Executive Branch, including representatives from the Department of Children and Families, the Department of Environmental Protection, the Department of Military and Veterans Affairs, the Department of Transportation, and New Jersey Transit, and any other department, office, division, or agency the EVD-JRT deems necessary for consultation and advice.

5. The EVD-JRT is empowered to create any special advisory panel necessary to develop and deploy the State's preparation and response to EVD, including medical professionals with knowledge and expertise in the areas of public health, medicine, infectious disease, and related areas.

6. The EVD-JRT shall coordinate the State's partnership with the Federal government and ensure effective communications and dissemination of information.

7. The EVD-JRT shall work with hospitals and other health care facilities to manage preparations for the possible treatment of patients demonstrating EVD symptoms or risks.

8. The EVD-JRT shall coordinate with local health departments to assess readiness for the management of patients demonstrating EVD symptoms or risks, and develop consistent protocols for monitoring and treatment.

9. The New Jersey Department of Health shall provide staff support to the EVD-JRT. The EVD-JRT shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available as the EVD-JRT deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the EVD-JRT within the limits of its statutory authority and to furnish the EVD-JRT with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The EVD-JRT may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

10. This Order shall take effect immediately.

Dated Otober 22, 2014.

EXECUTIVE ORDER NO. 165

WHEREAS, Congresswoman Margaret "Marge" Roukema was a dedicated and influential public servant, a true leader both in our State and across our nation, representing New Jersey for over two decades in the United States House of Representatives; and

WHEREAS, Congresswoman Roukema was born in Newark, New Jersey in 1929, earned a Bachelor of Arts degree from Montclair State College in 1951, and pursued graduate studies at both Montclair State College and Rutgers University; and

WHEREAS, Congresswoman Roukema began her career in public service as a teacher for the Ridgewood Public Schools, continuing her commitment to her community as a member of the Ridgewood Board of Education from 1970 to 1973; and

WHEREAS, Congresswoman Roukema became active in local politics as the first woman elected president of the Ridgewood Republican Club in 1977 and 1978, and in 1977 became campaign coordinator for gubernatorial candidate Thomas H. Kean, Sr. in 30 towns; and

WHEREAS, Congresswoman Roukema was elected to Congress in 1980, representing New Jersey in the House of Representatives for eleven terms, becoming the longest-serving woman in the House, as well as the senior member of the New Jersey Congressional delegation; and

WHEREAS, after her retirement in 2003, Congresswoman Roukema remained committed to public service, serving on the boards of nonprofit organizations dedicated to children's issues and lecturing about politics at universities; and

WHEREAS, Congresswoman Roukema was a loving wife, mother, and grandmother, and it is with deep sadness that we honor the memory and mourn the passing of Congresswoman Margaret "Marge" Roukema and extend sympathy to her family, her friends, her colleagues, and those whose lives she touched;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, November 24, 2014, in recognition and mourning of the passing of Congresswoman Margaret "Marge" Roukema.

2. This Order shall take effect immediately.

Dated November 21, 2014.

EXECUTIVE ORDER NO. 166

WHEREAS, Senator Robert Littell was an extraordinary public servant, who for four decades devotedly served the people of New Jersey as a member of the New Jersey Legislature, bestowing a lasting impression on New Jersey as we know it today; and

WHEREAS, Senator Littell was born in Orange, New Jersey in 1936, attended Franklin High School and the Hun School of Princeton, and resided in Sussex County; and

WHEREAS, Senator Littell began his outstanding career of public service through service to our nation in the United States Marine Corps, serving three years in the Korean War and receiving an honorable discharge in 1956; and

WHEREAS, Senator Littell then served on the Franklin Borough Council from 1963 to 1965, embarking upon a path that would make him one of the most influential political figures in Sussex County history; and

WHEREAS, Senator Littell began his service in the New Jersey General Assembly in 1968, serving until 1992, when he began his service in the New Jersey Senate; and

WHEREAS, Senator Littell played a fundamental role in the Senate Budget Committee, working tirelessly to protect New Jersey's taxpayers; and

WHEREAS, at the time of his retirement from the Senate in 2008, Senator Littell was the longest serving State lawmaker in New Jersey history; and

WHEREAS, even after retirement, Senator Littell spent his life dedicated to serving others, setting up centers for abuse victims in both Sussex and Essex Counties; and

WHEREAS, most importantly, Senator Littell was a loving husband, father, and grandfather, whose family also devoted much of their lives to serving the people of New Jersey; and

WHEREAS, it is with profound sadness that we honor the memory and mourn the passing of Senator Robert Littell and extend sympathy to his family, his friends, and his many respectful colleagues;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, November 25, 2014, in recognition and mourning of the passing of Senator Robert Littell.

2. This Order shall take effect immediately.

Dated November 21, 2014.

EXECUTIVE ORDER NO. 167

WHEREAS, the State of New Jersey is presently experiencing a nor'easter with rain, snow, mixed precipitation, and strong winds; and

WHEREAS, the National Weather Service has issued storm warnings for New Jersey including a Winter Storm Warning and Winter Weather Advisory; and

WHEREAS, while this nor'easter is difficult to forecast, significant rain and snowfall is expected throughout the State, hindering Thanksgiving travel and potentially causing power outages; and

WHEREAS, these nor'easter conditions are expected to impede transportation and travel throughout New Jersey; and

WHEREAS, the impending weather constitutes an imminent hazard that could threaten and endanger the health, safety, and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, this situation may become too large in scope to be handled by the normal county and municipal operating services in some parts of this State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the response and recovery efforts from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in accordance with N.J.S.A. App. A:9-33 et seq., through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State, municipal, county, or interstate highway, and its access roads, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of

Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with the provisions of N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any provision of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous, disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his or her deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated November 26, 2014.

EXECUTIVE ORDER NO. 168

WHEREAS, on February 3, 2010, I signed Executive Order No. 11 (2010) establishing a New Jersey Gaming, Sports, and Entertainment Advisory Commission, hereinafter referred to as the Commission, to develop recommendations to

implement a comprehensive, statewide approach concerning the needs of the State's gaming, professional sports, and entertainment industries; and

WHEREAS, on July 21, 2010, after receiving the Commission's final report, I signed Executive Order No. 34 (2010) extending the Commission's existence until June 30, 2011, to support the implementation of the Commission's recommendations that I accepted; and

WHEREAS, on June 30, 2011, I signed Executive Order No. 69 (2011) extending the Commission's existence until June 30, 2012, to utilize the Commission's expertise in continuing to execute its recommendations; and

WHEREAS, on June 29, 2012, I signed Executive Order No. 97 (2012) again extending the Commission's existence until June 30, 2013, to, among other things, assist with the repositioning of the New Jersey Sports and Exposition Authority within the Department of State; and

WHEREAS, on June 30, 2013, I signed Executive Order No. 136 (2013) again extending the Commission's existence until December 31, 2013, to continue the Commission's critical mission and to support the essential role that gaming, sports, and entertainment play in this State; and

WHEREAS, on December 30, 2013, I signed Executive Order No. 145 (2013) again extending the Commission's existence until December 31, 2014, to continue the Commission's important role in enhancing our State's gaming, sports, and entertainment industries; and

WHEREAS, New Jersey's gaming, sports, and entertainment industries continue to be vitally important to the health of the State's economy and to enhancing the quality of life of our citizens; and

WHEREAS, New Jersey's tourism industry is equally important to the State's economy and faces many of the same challenges confronting the gaming, sports, and entertainment industries; and

WHEREAS, it is therefore appropriate to extend the Commission's existence for an additional period to continue its invaluable contributions to the State's gaming, sports, and entertainment industries;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Executive Orders Nos. 34, 69, 97, 136, and 145 are hereby superseded and Paragraph 6 of Executive Order No. 11 (2010) is amended to provide that the Commission shall not expire upon the issuance of its final report, but rather shall continue in existence until December 31, 2015, or such other date as I shall establish, in order to continue to support the implementation of its recommendations and to engage in any other related matters that are referred to the Commission by me or that meet with my approval.

2. This Order shall take effect immediately.

Dated December 8, 2014.

EXECUTIVE ORDER NO. 169

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Superstorm Sandy ("Sandy") struck the State of New Jersey; and

WHEREAS, Sandy destroyed entire communities and caused significant damage, or complete destruction, to thousands of homes across the State; and

WHEREAS, thanks to the efforts of first responders, private businesses, nonprofit organizations, State and local governmental leaders, and all citizens of New Jersey, our State continues to recover and rebuild; and

WHEREAS, since Sandy struck New Jersey, nonprofit organizations and volunteers have generously donated their resources, time, and talents to aid in the State's recovery; and

WHEREAS, some nonprofit groups that are organized primarily for the construction and reconstruction of residences for persons displaced by disasters have contributed volunteers and resources to assist in New Jersey's rebuilding; and

WHEREAS, these nonprofit organizations may recruit high school students, and other minor volunteers, to assist in the repair, construction, and rebuilding of homes damaged or destroyed by Sandy; and

WHEREAS, on October 27, 2012, in light of the dangers posed by Sandy, and pursuant to the authority provided under the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, I declared a State of Emergency; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of the State government, and of each and every political subdivision of the State, to protect against the emergency created by Sandy; and

WHEREAS, in accordance with N.J.S.A. App. A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of my Executive Orders, or that will in any way interfere with or impede their achievement; and

WHEREAS, on July 9, 2013, pursuant to Executive Order No. 137 (2013), I ordered that for the remainder of 2013, minors between fourteen and seventeen years of age would be permitted to work as volunteers for nonprofit organizations engaged in housing construction, provided that all other provisions of N.J.S.A. 34:2-21.17d, and any other applicable law, rule, or regulation concerning the employment and protection of minors remained in full force and effect; and

WHEREAS, on December 27, 2013, pursuant to Executive Order No. 144 (2013), I ordered that through, and including, December 31, 2014, minors between fourteen and seventeen years of age would continue to be permitted to work as volunteers for nonprofit organizations engaged in housing construction, subject to the same conditions as set forth in Executive Order No. 137 (2013); and

WHEREAS, since I signed Executive Order No. 137 (2013), more than 3,000 volunteers between fourteen and seventeen years of age have performed repair and construction work on Sandy-damaged homes in coordination with various nonprofit organizations, to the benefit of many New Jerseyans; and

WHEREAS, continuing to permit available volunteers between fourteen and seventeen years of age to engage in such repair and construction work, while maintaining all other safeguards that protect minors engaged in construction, will help New Jerseyans return to their homes;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. Minors between fourteen and seventeen years of age shall continue to be permitted to work as volunteers for nonprofit organizations engaged in housing construction through, and including, December 31, 2016, provided that all other provisions of N.J.S.A. 34:2-21.17d, and any other applicable law, rule, or regulation concerning the employment and protection of minors, shall remain in full force and effect.

2. The Commissioner of Labor and Workforce Development shall take all appropriate steps to effectuate this Order.

3. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with the provisions of this Executive Order, or that will or might in any way interfere with or impede its achievement.

4. All other provisions of Executive Order No. 137 (2013) and Executive Order No. 144 (2013) which are not inconsistent with this Order shall remain in full force and effect.

5. This Order shall take effect immediately.

Dated December 8, 2014.

EXECUTIVE ORDER NO. 170

WHEREAS, Cliffside Park Police Officer Stephen Petruzzello was born in Englewood, New Jersey and raised in Cliffside Park, New Jersey; and

WHEREAS, Officer Petruzzello graduated from Cliffside Park High School in 2011 and studied criminal justice at Bergen Community College; and

WHEREAS, Officer Petruzzello was trained at the Bergen County Law and Public Safety Institute; and

WHEREAS, Officer Petruzzello was hired as a Special Police Officer in November 2014 by the Cliffside Park Police Department; and

WHEREAS, Officer Petruzzello was posthumously appointed as a Cliffside Park Police Officer with badge No. 133 by the Cliffside Park Mayor and Council; and

WHEREAS, Officer Petruzzello was twenty-two years old, and a loving and devoted son; and

WHEREAS, Officer Petruzzello was tragically killed in the line of duty after being struck and fatally injured by an automobile while on patrol; and

WHEREAS, Officer Petruzzello's dedication to the protection and well-being of his hometown makes him a true hero to his community and to the State of New Jersey; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to recognize his commitment to the welfare and safety of others, to mark his passing, to honor his memory, and to remember his family as they mourn their tragic loss;

NOW, THEREFORE, I, KIMBERLY M. GUADAGNO, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, January 2, 2015, in recognition of the life and in mourning of the passing of Officer Stephen Petruzzello.

2. Furthermore, pursuant to N.J.S.A. 52:3-12, the flag of the United States of America and the flag of New Jersey shall be flown at half-staff at the State House during appropriate hours in recognition of the life and in mourning of the passing of Officer Stephen Petruzzello.

3. This Order shall take effect immediately.

Dated December 31, 2014.

AMENDMENTS ADOPTED IN 2014 TO THE 1947 CONSTITUTION

AMENDMENTS ADOPTED IN 2014 TO THE 1947 CONSTITUTION

ARTICLE I, PARAGRAPH 11

Amend Article I, paragraph 11 to read as follows:

11. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be eligible for pretrial release. Pretrial release may be denied to a person if the court finds that no amount of monetary bail, non-monetary conditions of pretrial release, or combination of monetary bail and non-monetary conditions would reasonably assure the person's appearance in court when required, or protect the safety of any other person or the community, or prevent the person from obstructing or attempting to obstruct the criminal justice process. It shall be lawful for the Legislature to establish by law procedures, terms, and conditions applicable to pretrial release and the denial thereof authorized under this provision.

Approved November 4, 2014.
Effective January 1, 2017.

ARTICLE VIII, SECTION II, PARAGRAPH 6

Amend Article VIII, Section II, paragraph 6 to read as follows:

6. (a) Commencing July 1, 2015 and ending June 30, 2019, there shall be credited to a special account in the General Fund an amount equivalent to four percent of the revenue annually derived from the tax imposed pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any other State law of similar effect.

Commencing July 1, 2019, there shall be credited to a special account in the General Fund an amount equivalent to six percent of the revenue annually derived from the tax imposed pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as amended and supplemented, or any other State law of similar effect.

The amount annually credited pursuant to this subparagraph shall be dedicated and shall be appropriated from time to time by the Legislature only for: providing funding, including loans or grants, for the preservation, including acquisition, development, and stewardship, of lands for recreation and conservation purposes, including lands that protect water supplies and lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage; providing funding, including loans or grants, for the preservation and stewardship of land for agricultural or horticultural use and production; providing funding, including loans or grants for historic preservation; paying administrative costs associated with each of those efforts; paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects; paying or financing costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge; providing funding, including loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom; and providing funding, including loans and grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for any purpose or in any manner other than as enumerated in this paragraph. It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amount credited to the special account pursuant to this paragraph, or any portion thereof, for the payment of the principal or interest on any general obligation bond that was approved by the voters prior to or subsequent to this paragraph becoming part of this Constitution.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this paragraph prior to July 1, 2015 for the development of lands for recreation or conservation purposes shall be dedi-

cated, and shall be appropriated from time to time by the Legislature, only for the development of lands for recreation or conservation purposes.

Commencing July 1, 2015 and ending June 30, 2019, seventy-one percent of the amount annually credited pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for: providing funding, including loans or grants, for the preservation, including acquisition, development, and stewardship, of lands for recreation and conservation purposes, including lands that protect water supplies and lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage; providing funding, including loans or grants, for the preservation and stewardship of land for agricultural or horticultural use and production; providing funding, including loans or grants, for historic preservation; and paying administrative costs associated with each of those efforts.

Commencing July 1, 2019, seventy-eight percent of the amount annually credited pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for: providing funding, including loans or grants, for the preservation, including acquisition, development, and stewardship, of lands for recreation and conservation purposes, including lands that protect water supplies and lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage; providing funding, including loans or grants, for the preservation and stewardship of land for agricultural or horticultural use and production; providing funding, including loans or grants, for historic preservation; and paying administrative costs associated with each of those efforts.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this subparagraph for the preservation, including acquisition, development, and stewardship, of lands for recreation and conservation purposes, the preservation and stewardship of land for agricultural or horticultural use and production, or for historic preservation, and all income derived from the investment of moneys in the special account established pursuant to this paragraph, shall be dedicated, and shall be appropriated from time to time by the Legislature only for the preservation, including acquisition, development, and stewardship, of lands for recreation and conservation purposes, the preservation and stewardship of land for agricultural or horticultural use and production, or for historic preservation, as authorized pursuant to this subparagraph.

Commencing July 1, 2015, five percent of the amount annually credited pursuant to this subparagraph shall be dedicated, and shall be appropri-

ated from time to time by the Legislature, only for paying or financing the cost of water quality point and nonpoint source pollution monitoring, watershed based water resource planning and management, and nonpoint source pollution prevention projects.

Commencing July 1, 2015, five percent of the amount annually credited pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for paying or financing the costs incurred by the State for the remediation of discharges of hazardous substances, which costs may include performing necessary operation and maintenance activities relating to remedial actions and costs incurred for providing alternative sources of public or private water supplies when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

No moneys appropriated pursuant to this subparagraph for the remediation of discharges of hazardous substances may be expended for any direct or indirect administrative costs of the State, or any of its departments, agencies, or authorities.

Commencing July 1, 2015 and ending June 30, 2019, nine percent of the amount annually credited pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and for providing funding, including loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing July 1, 2019, five percent of the amount annually credited pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including loans or grants, for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances, and for the costs of remediating any discharge therefrom, and for providing funding, including loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing July 1, 2015, up to $1,000,000 per year, which shall be taken from the amount appropriated pursuant to this subparagraph for underground storage tank programs, may be expended for the costs of a State underground storage tank inspection program, which costs may include the direct but not indirect program administrative costs incurred by the State for the employment of inspectors and a compliance and enforcement staff, and the purchase of vehicles and equipment necessary for the implementation thereof.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this paragraph prior to or after July 1, 2015 for underground storage tank programs shall be dedicated, and shall be appropriated from time to time by the Legislature, only for loans or grants for underground storage tank programs authorized pursuant to this subparagraph. The dedication of moneys derived from loan repayments shall not expire.

Except for moneys that may be expended for the costs of a State underground storage tank inspection program, no moneys appropriated pursuant to this subparagraph for underground storage tank programs may be expended on any direct or indirect administrative costs of the State or any of its departments, agencies, or authorities.

No moneys appropriated at any time pursuant to this subparagraph for underground storage tank programs may be expended on any upgrade, replacement, or closure of any underground storage tank, or for the remediation of any discharge therefrom, for any underground storage tank owned by the State or any of its departments, agencies, or authorities, or for costs incurred by the State for the remediation of discharges of hazardous substances therefrom.

Commencing July 1, 2015 and ending June 30, 2019, ten percent of the amount annually credited pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

Commencing July 1, 2019, seven percent of the amount annually credited pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including loans or grants, for the costs of the remediation of discharges of hazardous substances, which costs may include costs incurred for providing

alternative sources of public or private water supplies, when a water supply has been, or is suspected of being, contaminated by a hazardous substance discharge.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this paragraph prior to or after July 1, 2015 for hazardous substance discharge remediation shall be dedicated, and shall be appropriated from time to time by the Legislature, only for loans or grants for hazardous substance discharge remediation authorized pursuant to this subparagraph. The dedication of moneys derived from loan repayments shall not expire.

No moneys appropriated pursuant to this subparagraph for hazardous substance discharge remediation may be expended on any direct or indirect administrative costs of the State or any of its departments, agencies, or authorities.

(b) There shall be credited annually to a special account in the General Fund an amount equivalent to the revenue annually derived from leases and conveyances of lands acquired or developed by the State for recreation and conservation purposes.

The amount annually credited pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for providing funding, including loans or grants, for the preservation, including acquisition, development, and stewardship, of lands for recreation and conservation purposes, including lands that protect water supplies and lands that have incurred flood or storm damage or are likely to do so, or that may buffer or protect other properties from flood or storm damage; providing funding, including loans or grants, for the preservation and stewardship of land for agricultural or horticultural use and production; providing funding, including loans or grants for historic preservation; and paying administrative costs associated with each of those efforts.

All moneys derived from repayments of any loan issued from the amount dedicated pursuant to this subparagraph shall be dedicated, and shall be appropriated from time to time by the Legislature, only for the purposes authorized pursuant to this subparagraph.

Approved November 4, 2014.
Effective July 1, 2015.

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TPAF retiree, reemployment as coach of athletic activity, certain circumstances; permitted, amends N.J.S.18A:66-53.2, Ch.21.

PUBLIC RECORDS
Adoptees, certain others, right to obtain original birth certificate, related information; permitted, C.26:8-40.33 et al., amends C.9:3-51 et al., Ch.9.
Personal information, security in certain situations; provided, C.56:8-196 et seq., Ch.88.
Victims, obtaining records relative to crime without fees, not considered public information; provided, amends C.52:4B-36.2 et al., Ch.19.

SCHOOLS
"Best in New Jersey 'Farm to School' Awards Program"; established, C.4:10-25.2b, Ch.40.
"Breakfast after the bell" programs, participation; encouraged, C.18A:33-11.1, Ch.66.
Cardiopulmonary resuscitation, use of automated external defibrillator, public school students, instruction; required, C.18A:35-4.28 et seq., Ch.36
Career, technical education programs, teaching in industry setting, off-site location, exemption from certain State regulations; provided, C.18A:54-31.1 et seq., Ch.75.
County Vocational School District Partnership Grant Program; established, C.18A:6-132 et seq., Ch.73.
Clearinghouse website for farmers to offer produce, dairy products for school breakfast programs, establishment; required, C.4:10-25.2c, Ch.41.
Department of Agriculture, posting of information regarding farm to school program on website; required, amends C.4:10-25.2, Ch.37.
Dual enrollment agreements between school districts and public colleges; permitted, C.18A:61C-10 et seq., repeals C.18A:61C-1 et seq., Ch.74.
Electronic communication between employees and students, adoption of policies by school districts; required, C.18A:36-40, Ch.2.
"New Jersey Farm to School Program," contributions; permitted, C.4:10-25.2a, Ch.39.
New Jersey School Report Card, inclusion of student career readiness; required, amends C.18A:7E-3, Ch.71.
Nonpublic school nursing services to preschool pupil in event of emergency; provided, C.18A:40-27.1, Ch.3.
Nursing services to nonpublic school pupils, consultation prior to change; required, amends C.18A:40-28, Ch.67.

SCHOOLS (Continued)
Preparation programs for teachers, school counselors, inclusion of programming to improve student career readiness; required, C.18A:26-2.15 et seq., Ch.72.
Students with disabilities, participation in athletic activities, provision by school district; required, C.18A:11-3.5 et seq., Ch.10.
Urban hope projects, certain, application period; extended, reconstructed facilities as part of projects; permitted, C.18A:36C-7.1, amends C.18A:36C-3 et al., Ch.61.

STATE GOVERNMENT
"Economic Opportunity Act of 2014, Part 3," C.34:1B-251, amends C.34:1B-209.1 et al., Ch.63.
Economic recovery terms under "Municipal Rehabilitation and Economic Recovery Act"; extended, amends C.52:27BBB-3 et al., Ch.60.
New Jersey Big Data Alliance as State's advanced cyberinfrastructure consortium; designated, C.52:17C-3.4, Ch.33.
Route 24, portions; dedesignated, transfer of ownership; permitted, amends C.27:6-1.1, Ch.56.
Veterans, hiring preference for position with State Police; required, amends R.S.53:1-9, Ch.51.

STATUTES
Laws, anachronistic, superseded, invalidated, certain; repealed, amends N.J.S.2C:17-3 et al., repeals N.J.S.2A:82-20 et al., Ch.69.

TAXATION
"ALS Association Support Fund"; established, contributions from gross income tax returns; permitted, C.54A:9-25.38, Ch.80.
Farm to school, school gardens program, voluntary contribution by taxpayers; provided, C.54A:9-25.36, Ch.38.
Northern New Jersey Veterans Memorial Cemetery, voluntary contributions by taxpayers for development; provided, C.54A:9-25.35, Ch.4.
State tax compliance standards, certain; adjusted, State tax benefits, certain; restricted, amends C.54:10A-6.1 et al., Ch.13.
Voluntary contribution through gross income tax returns for support of local libraries, option; created, C.54A:9-25.37, Ch.47.

TOBACCO
Tobacco sales, laws concerning; amended, C.52:4D-7.1, amends C.52:4D-2 et al., Ch.85.

TRADE REGULATION
Home elevation contractors, standards for, registration of; provided, C.56:8-138.2 et al., amends C.56:8-137 et al., Ch.34.

VITAL STATISTICS

Veteran's death certificate, issuance of one free copy upon request to certain authorized persons; required, amends R.S.26:8-63, Ch.87.